2002

HOUSE RULES

MINUTES

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

Representative Bill Culpepper, Chairman
Representative Joe Hackney, Vice Chairman
Representative Gordon Allen
Representative Cary D. Allred
Representative Daniel W. Barefoot
Representative Jeff Barnhart
Representative Flossie Boyd-McIntyre
Representative Charles F. Buchanan
Representative James W. Crawford, Jr.
Representative Arlie F. Culp
Representative Pryor Gibson
Representative Jim Gulley
Representative Dewey L. Hill
Representative Mary L. Jarrell
Representative Larry Justus
Representative Paul Luebke
Representative Daniel F. McComas
Representative Eugene McCombs
Representative W. Edwin McMahan
Representative Richard Morgan
Representative R. Eugene Rogers
Representative Mitchell Smith Setzer
Representative Wilma M. Sherrill
Representative Gregory J. Thompson
Representative Shelly Willingham
Representative Douglas Y. Yongue

Ex officio Members

Representative Philip A. Jr., Majority Leaderi
Representative Andrew Thomas Dedmon, Majority Whip
Representative Beverly M. Earle, Majority Whip
Representative Pete Cunningham

ATTENDANCE

HOUSE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

2001-2002

DATES	5/17	6/05	6/12	6/26	7/09	7/15	7/16	7/23	7/31	8/06	8/14	8/21	8/27	8/28	9/03
Culpepper, Bill, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hackney, Joe, Vice Chairman	✓	✓	✓	✓	✓	✓	✓				✓			✓	✓
Allen, Gordon	✓	✓	✓		✓	✓	✓	✓		✓			✓		✓
Allred, Cary D.	✓	✓	✓	✓	✓	✓			✓						✓
Barefoot, Daniel W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Barnhart, Jeff	✓	✓	✓	✓	✓		✓			✓		✓			✓
Boyd-McIntyre, Flossie	✓	✓	✓		✓	✓			✓					✓	✓
Buchanan, Charles F.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Crawford, James W. Jr.		✓	✓		✓	✓		✓	✓		✓	✓			✓
Culp, Arlie F.		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Gibson, Pryor	✓	✓	✓		✓	✓	✓		✓	✓			✓		✓
Gulley, Jim	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Hill, Dewey L.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Jarrell, Mary L.	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓
Justus, Larry		✓	✓	✓	✓	✓	✓		✓						✓
Luebke, Paul	✓	✓	✓		✓	✓		✓		✓			✓		✓
McComas, Daniel F.		✓	✓	✓	✓	✓			✓			✓	✓		
McCombs, Eugene	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
McMahan, W. Edwin		✓	✓		✓	✓	✓						✓	✓	✓
Michaux, H. M., Jr.	✓			✓	✓	✓									✓
Morgan, Richard					✓									✓	✓
Rogers, R. Eugene	✓	✓	✓	✓		✓	✓	✓		✓				✓	✓
Setzer, Mitchell Smith		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Sherrill, Wilma M.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓
Thompson, Gregory J.	✓			✓	✓									✓	✓
Willingham, Shelly	✓	✓		✓	✓	✓	✓		✓	✓		✓	✓	✓	✓
Yongue, Douglas Y.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

ATTENDANCE

HOUSE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

2001-2002

DATES	9/10	9/17	9/25	10/2	10/2	10/3									
Culpepper, Bill, Chairman	✓	✓	✓	✓	✓	✓									
Hackney, Joe, Vice Chairman	✓			✓	✓	✓									
Allen, Gordon		✓	✓	✓		✓									
Allred, Cary D.		✓	✓	✓	✓	✓									
Barefoot, Daniel W.	✓	✓	✓	✓		✓									
Barnhart, Jeff		✓		✓	✓	✓									
Boyd-McIntyre, Flossie				✓											
Buchanan, Charles F.		✓	✓	✓		✓									
Crawford, James W. Jr.		✓	✓	✓	✓	✓									
Culp, Arlie F.	✓	✓	✓	✓	✓	✓									
Gibson, Pryor		✓	✓	✓		✓									
Gulley, Jim	✓	✓	✓	✓	✓	✓									
Hill, Dewey L.	✓	✓	✓	✓	✓										
Jarrell, Mary L.		✓	✓	✓		✓									
Justus, Larry	✓	✓		✓		✓									
Luebke, Paul						✓									
McComas, Daniel F.			✓	✓	✓	✓									
McCombs, Eugene	✓	✓	✓	✓	✓	✓									
McMahan, W. Edwin		✓	✓	✓											
Michaux, H. M., Jr.	✓	✓		✓		✓									
Morgan, Richard		✓		✓		✓									
Rogers, R. Eugene	✓		✓	✓	✓	✓									
Setzer, Mitchell Smith	✓	✓		✓	✓	✓									
Sherrill, Wilma M.		✓	✓	✓	✓	✓									
Thompson, Gregory J.		✓		✓		✓									
Willingham, Shelly		✓	✓	✓	✓	✓									
Yongue, Douglas Y.	✓	✓	✓	✓		✓									

Ex Officio Members	5/17	6/05	7/09	7/15	7/16	8/27	9/03	9/10	9/17						
Baddour, Philip A. Jr Majority Leader	✓	✓		✓	✓		✓								
Cunningham, W. Pete				✓	✓		✓	✓	✓						
Dedmon, Andrew Thomas, Majority Whip	✓		✓	✓	✓		✓								
Earle, Beverly M. Earle, Majority Whip	✓			✓	✓	✓		✓	✓						

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0001	Owens	LOTTERY FOR EDUCATION/ INFRASTRUCTURE.	HF	Postponed Indefinitely	01-25-01	10-03-02
$ H0002	**Owens**	**RECIPROCAL PREFERENCE FOR BIDS**	**H**	**Re-ref Com On State Government**	**01-25-01**	**02-20-01**
H0003	Owens	ENCOURAGE RECIPROCITY IN BIDDING PROCESS.	*HR	Ch. SL 2001-240	01-25-01	02-20-01
H0004	Hensley	LAW OFFICERS' 25-YEAR RETIREMENT.	HF	Postponed Indefinitely	01-25-01	02-20-01
H0005	Hensley	LAW ENFORCEMENT OFFICER DISCIPLINE	HF	Postponed Indefinitely	01-25-01	10-03-02
H0006	Holmes	MERGE JONESVILLE AND ARLINGTON	*HR	Ch. SL 2001-16	01-25-01	02-20-01
H0007	Hill	AMEND WORTHLESS CHECK PROGRAM.	*HR	Ch. SL 2001-61	01-29-01	03-15-01
H0010	Sherrill	PRISON TELEPHONE SYSTEM.	HF	Postponed Indefinitely	01-29-01	10-03-02
H0012	Justus	CONDEMNATION REIMBURSEMENT.	HF	Postponed Indefinitely	01-29-01	10-03-02
H0013=	Sherrill	MOTOR VEHICLE REPAIRS.	*HR	Ch. SL 2001-451	01-29-01	02-20-01
H0014=	Jarrell	MUNICIPAL INCORPORATION POPULATION ESTIMATES.	H	Ref To Com On Ways and Means	01-29-01	02-20-01
H0016	Smith	MOVE LEFT PASSING PULLED-OVER VEHICLE.	HF	Postponed Indefinitely	01-30-01	03-28-01
H0016	Smith	MOVE LEFT PASSING PULLED-OVER VEHICLE.	HF	Postponed Indefinitely	04-18-01	10-03-02
H0018	Arnold	PRIVATE SALE/FLOOD HOMES.	*HR	Ch. SL 2001-29	01-30-01	02-20-01
H0019	Smith	CERTAIN LOCAL GOVERNMENTS' CONDEMNATION.	*HR	Ch. SL 2001-36	01-30-01	02-20-01
H0020=	Sutton	CONTRACT AGENT RATE	H	Re-ref Com On Ways and Means	01-31-01	02-20-01
$ H0021=	**Sutton**	**COMMISSION CONTRACT AGENT STUDY.**	**HF**	**Postponed Indefinitely**	**01-31-01**	**10-03-02**
H0025=	Blust	REMOVE CAP ON CHARTER SCHOOLS.	HF	Postponed Indefinitely	02-01-01	04-11-01
H0026=	Shubert	REMOVE CAP ON CHARTER SCHOOLS.	HF	Postponed Indefinitely	02-01-01	04-11-01
H0028=	Daughtry	UNLAWFUL TO IMPEDE A SCHOOL BUS.	H	Re-ref Com On Judiciary III	02-01-01	02-20-01
H0029=	Daughtry	LIFT CAP ON CHARTER SCHOOLS	HF	Postponed Indefinitely	02-01-01	04-11-01
H0030=	Nye	HMO PATIENT PROTECTION.	HF	Postponed Indefinitely	02-01-01	10-03-02
H0033=	Goodwin	PRESIDENTIAL ELECTORS BY DISTRICT.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0035	Goodwin	REGIONAL PRIMARY.	HF	Postponed Indefinitely	02-01-01	10-03-02
H0041	Barefoot	SECURITIES TRANSFER ON DEATH.	*H	Re-ref Com On Commerce	02-01-01	02-20-01
H0045	Decker	GAS DRIVE AWAYS/ LICENSE SUSPENSION.	*HF	Postponed Indefinitely	02-05-01	03-22-01
H0047	Bonner	FAIRMONT PRIVATE SALE.	HR	Ch. SL 2001-2	02-05-01	02-20-01
H0049	Culpepper	HOUSE RULES	*H	Adopted	02-05-01	02-07-01
H0051=	Gibson	HONORING FOUNDERS OF	HF	Postponed	02-06-01	04-02-01

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'=' indicates that the original bill is identical to another bill.

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		BISCOE		Indefinitely		
55	Daughtry	RONALD REAGAN DAY	HF	Postponed Indefinitely	02-07-01	04-02-01
H0056	Baker	NC COMPETITION INITIATIVE.	HF	Postponed Indefinitely	02-07-01	10-03-02
$ H0059	**Baker**	**STUDY D/C PENSION PLAN.**	**HF**	**Postponed Indefinitely**	**02-07-01**	**10-03-02**
H0060	Barefoot	HONORING GEORGE HENRY WHITE.	HR	Ch. Res 2001-35	02-07-01	02-21-01
H0062	McAllister	USE OF CELLULAR TELEPHONES.	HF	Postponed Indefinitely	02-07-01	10-03-02
H0063=	McAllister	CHILD BICYCLE SAFETY ACT.	*HR	Ch. SL 2001-268	02-07-01	02-20-01
H0064	Hunter	PRIVATE CORRECTIONAL OFFICERS.	H	Re-ref Com On Highway Safety and Law Enforcement	02-07-01	02-20-01
H0066=	Warner	EXPAND NC BUSINESS OPPORTUNITIES.	H	Re-ref Com On Economic Growth and Community Development	02-07-01	02-20-01
H0067=	Warner	LOCAL SALES TAX/ HARNETT AND CUMBERLAND.	HF	Postponed Indefinitely	02-07-01	10-03-02
H0071	West	CLAY CO. AMBULANCE SERVICE LIEN.	H	Ref To Com On Finance	02-08-01	02-20-01
H0074	Bowie	NO CELL PHONE USE WHILE DRIVING.	HF	Postponed Indefinitely	02-08-01	10-03-02
H0075	Haire	APPELLATE REPORTS TO CHEROKEE SUPREME COURT.	HR	Ch. SL 2001-280	02-08-01	02-20-01
H0076	Russell	PURPLE HEART MEMORIAL HIGHWAY.	*H	Re-ref Com On Finance	02-08-01	02-20-01
H0077	Fox	CERTAIN CITIES AND TOWNS ANNEXATIONS.	*HR	Ch. SL 2001-37	02-08-01	02-20-01
H0077	Fox	CERTAIN CITIES AND TOWNS ANNEXATIONS.	*HR	Ch. SL 2001-37	04-18-01	04-24-01
H0078	Tucker	GRANDPARENTS AS SUPERVISING DRIVERS.	HR	Ch. SL 2001-194	02-08-01	02-20-01
H0079	Tucker	STUDY COMMISSION ON EARLY RETIREMENT.	*HF	Postponed Indefinitely	04-19-01	10-03-02
H0083=	Sutton	FOUR-YEAR GENERAL ASSEMBLY TERMS.	HF	Postponed Indefinitely	02-08-01	10-03-02
H0084=	Sutton	IMPLEMENT 4-YEAR TERMS.	HF	Postponed Indefinitely	02-08-01	10-03-02
H0085	Sutton	INDIAN CULTURAL CENTER AMENDMENT.	*HR	Ch. SL 2001-89	02-08-01	02-20-01
H0086	Sutton	RENNERT MAYOR.	HR	Ch. SL 2001-3	02-08-01	02-20-01
H0090	Sutton	GA COMPENSATION TIED TO STATE EMPLOYEES' COLA.	HF	Postponed Indefinitely	02-12-01	10-03-02
H0092=	Jeffus	INCREASE NONRESIDENT SEARCH FEE.	*H	Ref To Com On Finance	02-12-01	02-20-01
H0093	Goodwin	EXPAND CHILD ABUSE DEFINITION.	*H	Ref To Com On Judiciary II	02-12-01	02-20-01
H0093	Goodwin	EXPAND CHILD ABUSE	*H	Ref To Com On	04-18-01	04-19-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		DEFINITION.		Judiciary II		
H0094	Owens	QUALITY ASSURANCE PROGRAM.	*HF	Postponed Indefinitely	02-12-01	02-20-01
H0095	Yongue	ROBESON COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-13-01	10-03-02
H0096	Yongue	HOKE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-13-01	10-03-02
H0097	Yongue	ROBESON COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-13-01	10-03-02
H0098	Yongue	MOORE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-13-01	10-03-02
H0099	Michaux	LOCAL TAX MENU WITH VOTER APPROVAL.	HF	Postponed Indefinitely	02-13-01	07-22-02
H0100=	Baddour	INVITING THE GOVERNOR	HF	Postponed Indefinitely	02-13-01	04-02-01
H0103	Yongue	SCOTLAND COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-14-01	10-03-02
H0104	Yongue	SCOTLAND COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-14-01	10-03-02
H0105	Nesbitt	BUNCOMBE COUNTY PRODUCT DEV. FUND.	*HR	Ch. SL 2001-162	02-14-01	02-20-01
H0107	Baker	MOTORCYCLE SAFETY ACT.	*HF	Postponed Indefinitely	02-14-01	02-20-01
H0108	Haire	COUNTIES COLL. DELINQ. TAXES BEFORE RECORD DEEDS	*HR	Ch. SL 2001-464	02-14-01	02-20-01
H0109=	Alexander	REIMBURSEMENT FOR MARRIAGE/FAMILY THERAPISTS.	HR	Ch. SL 2001-258	02-14-01	02-20-01
H0113	Tolson	DEVELOPMENT ZONE COMMISSION CHANGES.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0116	Hill	COLUMBUS COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0117	Hill	COLUMBUS COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0118	Hill	BELVILLE DEANNEXATION	*HR	Ch. SL 2001-401	02-15-01	07-25-01
H0119	Hill	BRUNSWICK COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0123	Russell	STUDY ARSON.	*HF	Postponed Indefinitely	04-24-01	10-03-02
H0126	Rayfield	GASTON COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0127	Rayfield	GASTON COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0128	Edwards	HYDE COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0129	Edwards	BEAUFORT COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0130	Edwards	USE OF 911 FUNDS/ BEAUFORT.	*H	Re-ref Com On Public Utilities	02-15-01	05-14-01
H0131	Edwards	BEAUFORT COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0132	Edwards	HYDE COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0133	Edwards	HYDE COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-15-01	10-03-02

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H0134	Edwards	BEAUFORT COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-15-01	10-03-02
H0139	Womble	HONORING THE BUFFALO SOLDIERS	*HR	Ch. Res 2001-4	02-15-01	02-20-01
H0151	Owens	AMEND LEG. TUITION GRANTS.	H	Reptd To Education	02-19-01	02-20-01
H0153	Haire	MADISON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-19-01	10-03-02
H0154	Haire	GRAHAM COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-19-01	10-03-02
H0155	Haire	SWAIN COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-19-01	10-03-02
H0156	Haire	HAYWOOD COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-19-01	10-03-02
H0157	Haire	JACKSON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-19-01	10-03-02
H0158	Hall	HOUSE DISTRICT 7 LOCAL SALES TAX.	HF	Postponed Indefinitely	02-19-01	10-03-02
H0161=	Insko	LONG-TERM CARE LOCAL LEAD AGENCY.	*HF	Postponed Indefinitely	03-15-01	10-03-02
H0171	Smith	ONSLOW COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-20-01	10-03-02
H0172	Smith	CEDAR POINT NO-WAKE ZONE.	*HR	Ch. SL 2001-65	02-20-01	04-17-01
H0173	Smith	CARTERET COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-20-01	10-03-02
H0174	Smith	ONSLOW COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-20-01	10-03-02
H0185	Saunders	MECKLENBURG COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-21-01	10-03-02
H0186	Saunders	MECKLENBURG COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	02-21-01	10-03-02
H0187	Saunders	MECKLENBURG COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-21-01	10-03-02
H0188=	Morris	FAIR ELECTION ACT.	H	Re-ref Com On Election Law and Campaign Finance Reform	02-21-01	04-11-01
H0194=	Baddour	MANAGED CARE PATIENTS' BILL OF RIGHTS.	HF	Postponed Indefinitely	02-21-01	10-03-02
H0199	Eddins	NO STATE FUNDS FOR JURY CONSULTANTS.	HF	Postponed Indefinitely	02-22-01	04-17-01
H0201	Holmes	41ST HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	02-22-01	10-03-02
H0202	Holmes	41ST HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-22-01	10-03-02
H0203	Holmes	41ST HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-22-01	10-03-02
H0209	Daughtry	JOHNSTON COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-22-01	10-03-02
H0210	Daughtry	JOHNSTON COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-22-01	10-03-02
H0211	Daughtry	JOHNSTON COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	02-22-01	10-03-02
H0221	Underhill	CRAVEN COUNTY LOCAL	HF	Postponed	02-22-01	10-03-02

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2001-2002 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ACT.		Indefinitely		
[redacted]22	Underhill	PAMLICO COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-22-01	10-03-02
$ H0229=	**Redwine**	**LRC STUDY INSURANCE AVAILABILITY BEACH AREAS.**	**HF**	**Postponed Indefinitely**	**02-26-01**	**10-03-02**
H0230	Gillespie	REVIEW OF LOW-WEALTH SCHOOL FUNDING FORMULA.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0231	Allen	BUDGET TECHNICAL CORRECTIONS.	*HR	Ch. SL 2001-513	10-03-01	11-15-01
H0233	Allen	22ND HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0234	Allen	22ND HOUSE DISTRICT LOCAL ACT-4.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0237	Walker	41ST HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0238	Walker	41ST HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-26-01	10-03-02
$ H0246=	**Earle**	**GUARDIANSHIP STUDY.**	**HF**	**Postponed Indefinitely**	**02-26-01**	**10-03-02**
H0247	Morris	HONORING PERSIAN GULF VETERANS.	*H	Ref To Com On Rules and Operations of the Senate	02-26-01	02-28-01
H0248=	Boyd-McIntyre	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES.	*HF	Postponed Indefinitely	04-19-01	10-03-02
H0249	Barnhart	TOWN OF MIDLAND LOCAL ACT-1.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0250	Barnhart	MIDLAND/LINDEN ANNEXATION/VALIDATION.	*HR	Ch. SL 2001-472	02-26-01	11-06-01
H0251	Barnhart	81ST HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0252	Barnhart	81ST HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-26-01	10-03-02
H0260	Alexander	ELECTION LAWS REVISION.	HF	Postponed Indefinitely	04-16-01	10-03-02
H0263	Bowie	GUILFORD COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0264	Bowie	GUILFORD COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0265	Bowie	CITY OF GREENSBORO LOCAL ACT-2.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0266	Bowie	CITY OF GREENSBORO LOCAL ACT-1.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0267	Buchanan	46TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0268	Buchanan	46TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0269	Coates	ROWAN COUNTY LOCAL ACT.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0270=	Johnson	HONORING DALE EARNHARDT.	HR	Ch. Res 2001-23	02-27-01	07-10-01
H0271	Johnson	CABARRUS COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-27-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0272	Johnson	CABARRUS COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-27-01	10-03-02
H0273=	Davis	HONORING TOWN OF ANGIER'S FOUNDERS.	*HR	Ch. Res 2001-3	02-27-01	02-28-01
H0279	Culpepper	MODIFY DARE TRANSFER TAX.	*HF	Postponed Indefinitely	02-27-01	04-23-01
H0279	Culpepper	MODIFY DARE TRANSFER TAX.	*HF	Postponed Indefinitely	05-09-01	05-30-01
H0280	Redwine	SESSION LENGTH LIMITS.	*HF	Postponed Indefinitely	02-28-01	04-09-01
H0280	Redwine	SESSION LENGTH LIMITS.	*HF	Postponed Indefinitely	09-04-01	10-03-02
H0281	Davis	19TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-28-01	04-04-01
H0282	Davis	19TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0283	Davis	19TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0284=	Davis	HARNETT LOCAL SALES TAX.	HF	Postponed Indefinitely	02-28-01	10-03-02
$ H0285	**Culp**	**YADKIN/PEE DEE LAKES PROJECT FUNDS.**	***HF**	**Postponed Indefinitely**	**02-28-01**	**05-07-01**
H0290=	Barnhart	MIDLAND CHARTER AMENDMENTS.	*HR	Ch. SL 2001-30	04-02-01	04-09-01
H0302	Shubert	UNION COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0303	Shubert	UNION COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0304	Shubert	34TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0305	Shubert	34TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0308	Gillespie	ENVIRONMENTAL MANAGEMENT COMMISSION MEMBERSHIP.	H	Re-ref Com On Environment and Natural Resources	02-28-01	04-11-01
H0309	Howard	74TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0310	Howard	74TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0315	Haire	STUDY OF JUVENILES WHO ESCAPE.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0318=	Pope	INDEPENDENT REDISTRICTING COMMISSION.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0319	Howard	74TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	02-28-01	10-03-02
$ H0321	**Coates**	**SALISBURY ANNEXATIONS.**	***HR**	**Ch. SL 2001-72**	**02-28-01**	**04-11-01**
H0322	Insko	MEDICAID INCOME LIMITS INCREASE.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0323	Jarrell	CITY OF GREENSBORO LOCAL ACT 2.	HF	Postponed Indefinitely	02-28-01	10-15-01
H0324	Jarrell	CITY OF GREENSBORO LOCAL ACT 1.	HF	Postponed Indefinitely	02-28-01	10-03-02
H0336=	Insko	PERSONS WITH DISABILITIES CHANGES.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0337	Buchanan	LEGISLATORS' PER DIEM/	HF	Postponed	03-01-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		EXPENSES.		Indefinitely		
38=	Culpepper	TECHNICAL CORRECTION ACT.	*HR	Ch. SL 2001-487	03-01-01	04-24-01
$ H0339	**Wilson, C**	**STANDARDIZED CREDENTIALING/HEALTH CARE PRACTITIO**	**HF**	**Postponed Indefinitely**	**03-01-01**	**10-03-02**
H0367	Crawford, J.	GRANVILLE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0368	Crawford, J.	WELDON ANNEXATION REPEAL.	*HF	Postponed Indefinitely	03-01-01	06-20-01
H0368	Crawford, J.	WELDON ANNEXATION REPEAL.	*HF	Postponed Indefinitely	08-02-01	10-03-02
H0369	Crawford, J.	VANCE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0370	Crawford, J.	FRANKLIN COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0374	Culpepper	STATE BOXING COMMISSION.	*HF	Postponed Indefinitely	04-18-01	10-03-02
H0376	Culpepper	INVITING CHIEF JUSTICE LAKE.	*HR	Ch. Res 2001-6	03-01-01	03-13-01
H0382	Russell	ADOPT STATE FRUIT AND BERRIES.	*HR	Ch. SL 2001-488	10-01-01	10-03-01
$ H0384=	**Nesbitt**	**LRC STUDY GOVERNMENT TORT CLAIMS.**	**HF**	**Postponed Indefinitely**	**03-01-01**	**10-03-02**
H0385=	Culpepper	CONSOLIDATE BUSINESS PROVISIONS.	*HR	Ch. SL 2001-358	03-15-01	04-02-01
H0400=	Haire	LRC STUDY WRONGFUL DEATH PROCEEDS.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0402	Rogers	BERTIE COUNTY HUNTING.	*HR	Ch. SL 2001-367	03-01-01	04-18-01
0403	Rogers	6TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0404	Rogers	6TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0406	Russell	GREENE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0407	Russell	WAYNE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0408	Russell	LENOIR COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-01-01	10-03-02
$ H0418	**Warwick**	**BEACH PRESERVATION & RESTORATION ACT.**	**H**	**Re-ref Com On Environment and Natural Resources**	**03-01-01**	**06-04-01**
H0419	Warwick	STUDY TOURISM INDUSTRY.	HF	Postponed Indefinitely	03-01-01	06-04-01
H0419	Warwick	STUDY TOURISM INDUSTRY.	HF	Postponed Indefinitely	06-19-01	10-03-02
H0426	Davis	LEE LOCAL SALES TAX.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0432	Saunders	LICENSING SELLING OF CARS.	*HR	Ch. SL 2001-345	03-27-01	04-02-01
$ H0444	**Gibson**	**NC HOUSING TRUST FUND.**	***HF**	**Postponed Indefinitely**	**03-01-01**	**05-07-01**
H0448	Gibson	HOUSE DISTRICT 33-3.	HF	Postponed Indefinitely	03-01-01	10-03-02
H0449	Gibson	TROY ANNEXATION.	*HR	Ch. SL 2001-136	03-01-01	04-18-01
H0450	Gibson	HOUSE DISTRICT 33-2.	HF	Postponed	03-01-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				Indefinitely		
455	McCombs	SHP REIMBURSEMENT FOR SPECIAL EVENTS.	HF	Postponed Indefinitely	03-01-01	03-28-01
H0456=	Hunter	CHILD ABUSE IN CHILD CARE FACILITY STUDY.	*HF	Postponed Indefinitely	03-27-01	12-06-01
H0456=	Hunter	CHILD ABUSE IN CHILD CARE FACILITY STUDY.	*HF	Postponed Indefinitely	12-06-01	10-03-02
$ H0461	**Allen**	**HOUSE DISTRICT 22 FUNDS-1.**	**HF**	**Postponed Indefinitely**	**03-05-01**	**10-03-02**
H0465	Brubaker	38TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0466	Brubaker	38TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0467	Cox	HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS	*HR	Ch. Res 2001-31	03-05-01	06-28-01
H0468	Cox	19TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0469	Cox	19TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0470	Wainwright	PAMLICO COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0471	Wainwright	JONES COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0472	Wainwright	CRAVEN COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0473	Wainwright	LENOIR COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0474	Wainwright	79TH HOUSE DISTRICT LOCAL ACT.	HF	Postponed Indefinitely	03-05-01	10-03-02
0475	Wainwright	LENOIR COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0476	Wainwright	CRAVEN COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-05-01	10-03-02
H0482	Edwards	PITT LOCAL SALES TAX.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0483	Nye	96TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0484	Nye	96TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0485	Nye	BLADEN COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0486	Nye	96TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0487	Nye	BLADEN COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0488	Nye	96TH HOUSE DISTRICT LOCAL ACT-4.	HF	Postponed Indefinitely	03-06-01	10-03-02
H0497	Brubaker	38TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0499	Gulley	REVIEW OF COURT ORDERS BY LOCAL SCHOOL BOARDS.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0500	Gulley	LOCAL SCHOOL BOARD ELECTIONS-STUDY.	*HF	Postponed Indefinitely	08-08-01	10-03-02
H0503	Gulley	MECKLENBURG COUNTY	HF	Postponed	03-07-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		LOCAL ACT.		Indefinitely		
H0504	Gulley	MATTHEWS PROPERTY LEASE.	*HR	Ch. SL 2001-102	03-07-01	03-27-01
H0505	Gulley	TOWN OF MINT HILL LOCAL ACT.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0511	Fitch	2001 EDUCATION LOTTERY.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0516	Pope	WAKE COUNTY SCHOOL CONSTRUCTION PROJECTS.	*HR	Ch. SL 2001-44	03-07-01	03-21-01
H0517	Insko	24TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0518	Insko	24TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0519	Insko	24TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-07-01	10-03-02
H0520	Hurley	CUMBERLAND COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0521	Hurley	CITY OF FAYETTEVILLE LOCAL ACT.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0522	Hurley	AUTHORIZE DEV. AUTHORITY/PER DIEM INCREASE.	*H	Re-ref Com On Appropriations/ Base Budget	03-08-01	04-12-01
H0523	Russell	WAYNE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0524	Russell	LENOIR COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0527	Hilton	GASTON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0528	Hilton	CATAWBA COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0529	Hilton	LINCOLN COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0531	Edwards	RESTRICT TRAWL NETS IN CERTAIN RIVER SYSTEMS.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0532	Ellis	TEAM TICKET.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0536	Ellis	LRC/STUDY USE OF RED LIGHT CAMERAS.	*HF	Postponed Indefinitely	04-16-01	10-03-02
H0538	Hurley	CUMBERLAND LOCAL SALES TAX.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0539	McCombs	83RD HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0540	McCombs	83RD HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-08-01	10-03-02
H0550	Grady	ONSLOW COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-12-01	10-03-02
H0551	Grady	CITY OF JACKSONVILLE LOCAL ACT.	HF	Postponed Indefinitely	03-12-01	10-03-02
H0557	Thompson	BEECH MOUNTAIN LOCAL ACT.	HF	Postponed Indefinitely	03-12-01	10-03-02
H0559	Dedmon	RUTHERFORD/POLK LOCAL ACT.	HF	Postponed Indefinitely	03-12-01	10-03-02
H0560	Dedmon	CLEVELAND COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-12-01	10-03-02
H0561	McCombs	ROWAN COUNTY LOCAL	HF	Postponed	03-12-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ACT-2.		Indefinitely		
H0562	McCombs	ROWAN COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-12-01	10-03-02
H0568	Ellis	SCHOOLS MUST PROTECT STUDENT & FAMILY PRIVACY.	H	Ref To Com On Education/Higher Education	04-18-01	04-24-01
H0577	Tolson	PITT COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-13-01	10-03-02
H0578	Tolson	PITT COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-13-01	10-03-02
H0579	Tolson	WILSON COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-13-01	10-03-02
$ H0580	**Tolson**	**WILSON INFRASTRUCTURE EXTENSION FUNDS.**	***HF**	**Postponed Indefinitely**	**03-13-01**	**05-30-01**
H0581	Tolson	EDGECOMBE COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-13-01	10-03-02
H0582	Tolson	NASH COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-13-01	10-03-02
H0583	Tolson	MODIFY NASH OCCUPANCY TAX.	*HR	Ch. SL 2001-349	03-13-01	06-28-01
H0584	Tolson	EDGECOMBE COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-13-01	10-03-02
H0595	Decker	84TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-14-01	08-15-02
H0596	Decker	84TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0597	McMahan	CHARLOTTE ADVISORY REFERENDUM.	*HR	Ch. SL 2001-10	03-14-01	03-22-01
H0599	Michaux	REVISE CONSUMER FINANCE ACT.	*HR	Ch. SL 2001-519	04-10-01	04-23-01
H0601	Brubaker	SUBSTANDARD SUBDIVISION ROAD STUDY.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0603	Fitch	HONORING ESSIE RUTH COOPER RICHARDSON.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0605	Walend	TRANSYLVANIA COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0606	Walend	TRANSYLVANIA COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0607	Walend	LOCAL APPOINTEES MUST BE CITIZENS.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0609	Walend	WELL CONSTRUCTION STANDARDS/RULE MAKING.	*HR	Ch. SL 2001-113	03-14-01	04-10-01
H0611	Thompson	BEECH MOUNTAIN LOCAL ACT-2.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0613	Saunders	MECKLENBURG COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0614	Saunders	MECKLENBURG COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0615	Saunders	MECKLENBURG COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-14-01	10-03-02
H0616	Smith	ATLANTIC BEACH ANNEXATION.	*HR	Ch. SL 2001-137	03-14-01	04-10-01
H0622	Sexton	FIREARM REGULATION AMENDMENTS.	*HR	Ch. SL 2002-77	04-11-01	04-24-01
H0622	Sexton	FIREARM REGULATION	*HR	Ch. SL 2002-77	07-18-02	08-01-02

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		AMENDMENTS.				
623	McMahan	PUBLIC CONSTRUCTION LAW CHANGES.	*HR	Ch. SL 2002-161	09-06-01	12-04-01
H0625	Harrington	GASTONIA LOCAL ACT.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0626	Harrington	GASTON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0628	Alexander	CITY OF CHARLOTTE LOCAL ACT.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0629	Alexander	MECKLENBURG COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0630	Coates	35TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0634	Michaux	AMEND INVESTMENT AND BANKING LAWS.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0636	Owens	ELIZABETH CITY CHARTER REVISED.	*HR	Ch. SL 2001-227	03-15-01	04-17-01
H0638	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0639	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0640	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-4.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0641	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0642	Cole	TRANSPORTATION POLICY.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0644=	Crawford, J.	TOLL ROAD AND BRIDGE AUTHORITY CREATED.	*HR	Ch. SL 2002-133	07-17-02	08-01-02
0646	Capps	RELIGIOUS FREEDOM RESTORATION ACT.	HF	Postponed Indefinitely	03-15-01	10-03-02
H0647=	Miller	DURHAM FACILITIES FEES.	H	Re-ref Com On Local Government I	03-15-01	03-28-01
H0648=	Earle	MEDICAL EXAMINER STUDY.	*HF	Postponed Indefinitely	04-02-01	10-03-02
$ H0649	**Baker**	**AUTHORIZE EMERGENCY APPROPRIATION.**	**H**	**Re-ref Com On Judiciary I**	**03-15-01**	**07-17-01**
H0650=	Howard	MORATORIUM ON SOFT DRINK CONTRACTS/ SCHOOLS.	HF	Postponed Indefinitely	03-15-01	04-03-01
H0652=	Tolson	HONORING MACCLESFIELD'S FOUNDERS	HR	Ch. Res 2001-10	03-15-01	05-03-01
H0657	Arnold	72ND HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0658	Arnold	ROCKY MOUNT POLICE OFFICER RESIDENCY.	*H	Ref To Com On State and Local Government	03-19-01	04-16-01
H0660	Gillespie	49TH HOUSE DISTRICT LOCAL ACT.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0661	Harrington	GASTON CO. DSS. BD. SIZE.	H	Ref To Com On State and Local Government	03-19-01	03-28-01
H0662	Decker	BORN-ALIVE INFANT PROTECTION ACT.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0663	Goodwin	HONORING VICTIMS OF	*HR	Ch. Res 2001-21	03-19-01	03-29-01

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		IMPERIAL FOOD PRODUCTS FIRE.				
$ H0669	**Harrington**	**PRESCRIPTION DRUG ASSISTANCE FUNDS.**	**HF**	**Postponed Indefinitely**	**03-19-01**	**10-03-02**
H0670	Harrington	REFORM PAYDAY LENDING.	H	Re-ref Com On Financial Institutions	03-19-01	04-03-01
H0672	Earle	CHARLOTTE LOCAL ACT.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0673	Earle	CORNELIUS LOCAL ACT.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0674	Earle	MECKLENBURG COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0675	Earle	HUNTERSVILLE LOCAL ACT.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0680	Morris	HONORING DOG HANDLERS/ VISUAL TRACKERS.	H	Ref To Com On Rules and Operations of the Senate	03-19-01	04-03-01
H0681	Davis	POSTING OF TEN COMMANDMENTS IN SCHOOLS.	HF	Postponed Indefinitely	03-19-01	10-03-02
H0694=	Owens	CLARIFY MV DEALER FRANCHISE LAWS.	H	Re-ref Com On Judiciary III	03-20-01	03-21-01
H0698	Smith	CARTERET OCCUPANCY TAX CHANGES.	*HR	Ch. SL 2001-381	03-20-01	05-02-01
H0701	Culpepper	HONORING DEVELOPERS OF THE ELIZABETHAN GARDENS.	HR	Ch. Res 2001-9	03-20-01	04-17-01
0704=	Wilson, C	BUILDING CODE PILOT PROGRAM.	HF	Postponed Indefinitely	03-20-01	10-03-02
H0706	Bell	WAYNE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-21-01	10-03-02
H0707	Bell	SAMPSON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-21-01	10-03-02
H0708	Bell	DUPLIN COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-21-01	10-03-02
H0709	Baker	ADOPT CAROLINA LILY AS STATE WILDFLOWER.	*H	Ref To Com On Rules and Operations of the Senate	03-21-01	03-28-01
H0713	McCombs	ROWAN COUNTY LOCAL SALES TAX.	HF	Postponed Indefinitely	03-21-01	10-03-02
H0718=	Miller	DURHAM IMPACT TAX.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0720	Warner	REGULATE INTERBASIN TRANSFERS.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0723	Pope	APPOINTED MEMBER'S STATEMENT OF ECONOMIC INT.	*HR	Ch. SL 2001-119	03-22-01	04-09-01
H0726	Culpepper	DARE COUNTY OCEAN REGULATION.	*HR	Ch. SL 2001-52	03-22-01	04-23-01
H0728	Capps	DISPLAY OF AMERICAN FLAG.	*H	Re-ref Com On Judiciary I	03-22-01	10-23-01
H0729	Warren	8TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-22-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0730	Warren	8TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0731	Warren	8TH HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0732	Warren	8TH HOUSE DISTRICT LOCAT ACT-4.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0733	Warren	8TH HOUSE DISTRICT LOCAL ACT-5.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0738	Dockham	94TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0739	Dockham	94TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0741	Morgan	31ST HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0742	Morgan	MOORE COUNTY HUNTING.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0743	Morgan	31ST HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0744	Morgan	SEVEN LAKES WEST MV REG.	*HR	Ch. SL 2001-132	03-22-01	04-19-01
H0745	Arnold	72ND HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-22-01	10-03-02
H0746	Wilson, C	HONORING PRESIDENTS OF CHARLOTTE SYMPHONY GUILD	H	Ref To Com On Rules and Operations of the Senate	03-22-01	04-03-01
H0750	Thompson	AVERY COUNTY OCCUPANCY TAX LOCAL ACT.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0754	Sexton	ROCKINGHAM COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0755	Sexton	ROCKINGHAM COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0758	Womble	HONORING CHARLES CALLOWAY 'C.C.' ROSS.	HR	Ch. Res 2001-15	03-26-01	04-12-01
H0761	Cole	CASWELL COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0762	Cole	CITY OF BURLINGTON LOCAL ACT.	HF	Postponed Indefinitely	03-26-01	10-03-02
$ H0763	**Cole**	**CHINQUA-PENN PLANTATION TRANSFER/ FUNDS.**	***HF**	**Postponed Indefinitely**	**03-26-01**	**05-01-01**
H0764	Russell	TAXPAYER PROTECTION ACT.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0766	Justus	50TH HOUSE DISTRICT LOCAL ACT-1.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0767	Justus	50TH HOUSE DISTRICT LOCAL ACT-2.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0771	Edwards	HONORING EDMUND HARDING/FOUNDING OF BATH.	H	Ref To Com On Rules and Operations of the Senate	03-26-01	04-10-01
H0772	Edwards	DEPOSITS ON BEVERAGE CONTAINERS.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0775	Morris	CUMBERLAND LOCAL SALES TAX.	HF	Postponed Indefinitely	03-26-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0778	Warwick	PENDER COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0779	Warwick	PENDER COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0780	Warwick	SAMPSON COUNTY LOCAL ACT-2	HF	Postponed Indefinitely	03-26-01	10-03-02
H0781	Warwick	SAMPSON COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0782	Warwick	ONSLOW COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0783	Warwick	ONSLOW COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0784	Warwick	SAMPSON COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0785	Warwick	PENDER COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0786	Warwick	ONSLOW COUNTY LOCAL ACT-3.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0795	Gillespie	"CHOOSE LIFE" LICENSE PLATE.	HF	Postponed Indefinitely	03-26-01	06-12-01
H0799=	Haire	HAYWOOD LOCAL SALES TAX.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0800	Culpepper	SPEAKER'S APPOINTMENTS.	*HR	Ch. SL 2001-163	03-26-01	03-29-01
H0801	Culpepper	SPEAKER'S APPOINTMENTS-2.	HF	Postponed Indefinitely	03-26-01	10-03-02
H0802	Culpepper	DARE UTILITY UNDERGROUNDING AMENDMENTS.	H	Re-ref Com On Local Government I	03-26-01	04-23-01
H0808	Alexander	MENTAL HEALTH/ CHEMICAL DEP. PARITY.	HF	Postponed Indefinitely	03-26-01	04-11-01
H0810=	Alexander	STUDY DOMESTIC VIOLENCE FATALITY REVIEW TEAM.	*HF	Postponed Indefinitely	04-24-01	10-03-02
H0811	Carpenter	MADISON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0812	Carpenter	HAYWOOD COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0813	Carpenter	GRAHAM COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0814	Carpenter	JACKSON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0815	Carpenter	SWAIN COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0816	Goodwin	HONORING LINDSEY GUY DEWITT.	*H	Adopted	03-27-01	04-16-01
H0817	Goodwin	RICHMOND COUNTY SUBDIVISIONS.	*HR	Ch. SL 2001-189	03-27-01	04-19-01
H0818	Goodwin	RICHMOND COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0820	Haire	SWAIN LOCAL SALES TAX.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0823	Decker	ED. OV. STUDY NONPUBLIC STUDENTS/ PUB. SCH. ACT.	*HF	Postponed Indefinitely	07-09-01	10-03-02
H0826	Culpepper	DARE OCCUPANCY TAX	HF	Postponed	03-27-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		CHANGES.		Indefinitely		
H0827	Boyd-McIntyre	TOWN OF JAMESTOWN LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0828	Boyd-McIntyre	CITY OF HIGH POINT LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0829	Boyd-McIntyre	CITY OF GREENSBORO LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0830	Boyd-McIntyre	GUILFORD COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-27-01	10-03-02
H0833	McLawhorn	HONORING JOHN LAWSON	HR	Ch. Res 2001-34	03-28-01	06-04-01
H0833	McLawhorn	HONORING JOHN LAWSON	HR	Ch. Res 2001-34	07-09-01	07-11-01
H0839	Nye	BLADEN LOCAL SALES TAX.	HF	Postponed Indefinitely	03-28-01	10-03-02
H0841	Insko	MODIFY CHATHAM IMPACT FEE.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0853=	McMahan	CHARLOTTE RENTAL CAR TAX.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0860	Shubert	REQUIRE TWO-THIRDS VOTE TO RAISE TAXES.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0861	Shubert	UNION COUNTY SCHOOL TAX REFERENDA.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0864	Insko	MODIFY ORANGE IMPACT FEE.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0865	Redwine	CALABASH ANNEXATION/ HOLDEN BEACH.	*HR	Ch. SL 2001-478	03-29-01	07-16-01
H0868	Wright	NAVASSA ANNEXATION/ CHARTER.	*HR	Ch. SL 2001-325	03-29-01	04-23-01
H0869	Wright	98TH HOUSE DISTRICT LOCAL ACT-2	HF	Postponed Indefinitely	03-29-01	10-03-02
H0870	Baker	JUDICIAL CONTRIBUTIONS.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0875	Walend	BILTMORE FOREST DEER MANAGEMENT.	*HR	Ch. SL 2001-156	03-29-01	04-18-01
H0876	Walend	HENDERSON COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0877	Walend	BREVARD SATELLITE ANNEXATIONS.	*HR	Ch. SL 2001-105	03-29-01	04-17-01
H0881	Culpepper	TYRRELL TRANSFER TAX.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0886	Cansler	51ST HOUSE DISTRICT LOCAL ACT-2.	HF	Reptd Unfav	03-29-01	04-18-01
H0887	Cansler	51ST HOUSE DISTRICT LOCAL ACT -1.	HF	Reptd Unfav	03-29-01	04-18-01
H0888	Cansler	51ST HOUSE DISTRICT LOCAL ACT-3.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0889	Miner	WAKE COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0890	Miner	TOWN OF CARY LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0892	McMahan	CHARLOTTE/PINEVILLE LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0895	Hensley	GARNER TRANSPORTATION IMPACT FEES.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0900	Baddour	PROGRESS BOARD.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0908=	Weiss	CARY PARKS IMPACT	HF	Postponed	03-29-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		FEES.		Indefinitely		
[redacted]909	Weiss	CARY INCLUSIONARY ZONING.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0910=	Weiss	VARIOUS TOWNS CLEARCUTTING.	*HR	Ch. SL 2001-191	03-29-01	04-03-01
H0911=	Weiss	CARY GENERAL GOVERNMENT FACILITIES FEES.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0913=	Weiss	CARY OPEN SPACE IMPACT FEES.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0915	Shubert	LMT BUDGET EXPENSES/ PRIOR FISCAL YEAR REVENUE.	HF	Postponed Indefinitely	03-29-01	04-17-01
H0916	Shubert	HOMESTEAD EXEMPTION INCREASE.	HF	Postponed Indefinitely	03-29-01	04-17-01
H0919	Luebke	NO TAKING OF DEER WITH DOGS.	HF	Postponed Indefinitely	04-18-01	10-03-02
H0920	Luebke	DURHAM COUNTY LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0922	Nesbitt	BUNCOMBE COUNTY LOCAL ACT-1.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0923	Nesbitt	BUNCOMBE COUNTY LOCAL ACT-2.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0925	McComas	WILMINGTON RIVER WALK DISTRICT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0927	McComas	TOWN OF WRIGHTSVILLE BEACH LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0928	McComas	CITY OF WILMINGTON LOCAL ACT.	HF	Postponed Indefinitely	03-29-01	10-03-02
[redacted]0933	Hilton	TWO-THIRDS VOTE TO LEVY TAXES.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0940=	Hackney	CHATHAM AUTO TAX FOR ECON. DEVELOPMENT.	HF	Postponed Indefinitely	03-29-01	10-03-02
H0944	Barnhart	STATE FISCAL RESPONSIBILITY ACT.	HF	Postponed Indefinitely	04-02-01	04-11-01
H0945	Barnhart	TRANSPORTATION FUNDING EQUITY COMMISSION.	HF	Postponed Indefinitely	04-02-01	04-11-01
$ H0947	**Rogers**	**HIGHWAY PATROL POSITION.**	**HF**	**Postponed Indefinitely**	**04-02-01**	**10-03-02**
H0948	Haire	REDEFINE "SPECIAL ABC AREA".	*HR	Ch. SL 2001-515	10-04-01	11-08-01
H0956	Arnold	REPEAL UNC AUTHORITY TO RETAIN REVERSIONS.	HF	Postponed Indefinitely	04-03-01	10-03-02
H0957	Arnold	STUDY AGE FOR ENTRY INTO PUBLIC SCHOOLS.	*HF	Postponed Indefinitely	04-25-01	10-03-02
H0984=	Hill	LANDSCAPE/IRRIGATION CONTRACTORS.	*HF	Postponed Indefinitely	09-18-01	10-03-02
H0986	Smith	PORTS RAILWAY COMMISSION CHANGES.	HF	Postponed Indefinitely	04-05-01	10-03-02
H0991	Tucker	BILL LEE ACT STUDY.	HF	Postponed Indefinitely	04-05-01	10-03-02
H1010=	Morris	CONSCIENCE PROT./ CONTRACEPTIVE COVERAGE MANDATE.	HF	Postponed Indefinitely	04-09-01	10-03-02
H1011	Morris	REFUSE TO ABORT/	HF	Postponed	04-09-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		EXTEND CONSCIENCE PROTECTION.		Indefinitely		
H1013=	Morris	COSMETIC ART FEES/ CONTINUING EDUCATION.	*HF	Postponed Indefinitely	10-02-01	10-03-02
H1016	Lucas	HONORING THE MEMORY OF GRADY HOWARD.	H	Ref To Com On Rules and Operations of the Senate	04-09-01	04-24-01
H1020	Goodwin	FELONY/STRIKE LAW ENFORCEMENT OFFICER.	*HF	Postponed Indefinitely	04-25-01	10-03-02
H1021	Goodwin	HONORING RAILROAD EMPLOYEES.	HF	Postponed Indefinitely	04-09-01	05-22-01
H1021	Goodwin	HONORING RAILROAD EMPLOYEES.	HF	Postponed Indefinitely	05-23-01	10-03-02
H1022	Goodwin	STUDY 28-YEAR RETIREMENT/RETENTION INCENTIVES.	*HF	Postponed Indefinitely	06-21-01	10-03-02
H1034	Wainwright	HONORING PAST G.A. AND FIRST TRYON PALACE COMM.	HR	Ch. Res 2001-8	04-09-01	04-10-01
H1061=	Gibson	EXEMPT WATER RESALE FROM DRINKING WATER ACT.	*HR	Ch. SL 2001-502	10-08-01	11-15-01
H1068	Nye	LONG-TERM CARE FACIL./ QUALITY OF CARE.	*HR	Ch. SL 2001-385	04-24-01	04-25-01
H1069	Fox	NATURAL AND ECONOMIC RESOURCES ACT.	HF	Postponed Indefinitely	04-10-01	10-03-02
H1072	Cox	MODIFY N.C. ENVIRONMENTAL RULES.	HF	Postponed Indefinitely	04-10-01	10-03-02
H1074	Culpepper	LRC-STUDY CERTIFYING ACKNOWLEDGEMENTS.	HF	Postponed Indefinitely	04-10-01	10-03-02
H1075	Shubert	NO MULTIMEMBER DISTRICTS.	HF	Postponed Indefinitely	04-10-01	10-03-02
H1076	Shubert	REDISTRICTING CRITERIA.	HF	Postponed Indefinitely	04-10-01	10-03-02
$ H1077	**Arnold**	**FIREFIGHTERS' AND RESCUE SQUAD WORKERS' RETIRE.**	***HF**	**Postponed Indefinitely**	**07-12-01**	**10-03-02**
H1078	Arnold	STUDY FIREFIGHTERS' EARLY RETIREMENT	*HF	Postponed Indefinitely	05-29-01	10-03-02
H1095	Baddour	MANAGED CARE OMBUDSMAN PROGRAM.	HF	Postponed Indefinitely	04-11-01	10-03-02
H1096=	Dedmon	NO RETAINAGE/CERTAIN CONSTRUCTION CONTRACTS.	HF	Postponed Indefinitely	04-11-01	10-03-02
H1101=	Baddour	PRIVACY PROTECTIONS STUDY.	HF	Postponed Indefinitely	04-11-01	10-03-02
$ H1104	**Alexander**	**LIVING INCOME STUDY COMMISSION.**	**HF**	**Postponed Indefinitely**	**04-11-01**	**10-03-02**
H1114	Cole	WASTEWATER STANDARDS FOR DAY CARE CENTERS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1115	Luebke	LONG-TERM CARE CHANGES.	HF	Postponed Indefinitely	04-12-01	10-03-02
$ H1116	**Hackney**	**DEATH PENALTY MORATORIUM.**	***H**	**Re-ref to the Com on Judiciary I and, if**	**04-12-01**	**04-24-01**

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				favorable, to the Com on Appropriations		
H1124	Harrington	SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1126	Thompson	CLARIFY RESIDENCY FOR REG. OR VOTING.	*HR	Ch. SL 2001-316	04-12-01	04-18-01
$ H1134	**Davis**	**MUST REPORT THREATS OF SCHOOL VIOLENCE.**	***HF**	**Postponed Indefinitely**	**07-19-01**	**10-03-02**
$ H1137	**Arnold**	**DEAF SCHOOLS CHANGES.**	**HF**	**Postponed Indefinitely**	**04-12-01**	**10-03-02**
H1144=	Yongue	AMEND ST. BD. OF EDUC. ADVISORY MEMBERS.	*HR	Ch. SL 2001-503	10-08-01	12-05-01
H1151	Michaux	STUDY VIOLENT HABITUAL FELON LAW.	*HF	Postponed Indefinitely	05-01-01	10-03-02
H1152	Michaux	STUDY HABITUAL FELON DEFINITION.	*HF	Postponed Indefinitely	05-01-01	10-03-02
H1153=	McMahan	STUDY COLLECTION OF COMMERCIAL DEBT.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1155	Dedmon	INTERMODAL TRAILER AND CONTAINER REG.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1159	Alexander	PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1162	Russell	ESTABLISH LIBERTY DAY.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1163	Russell	CONGRATULATING FORT BRAGG, CAMP LEJEUNE & SEYMOU	*HR	Ch. Res 2001-14	04-12-01	05-14-01
H1165	Baddour	PRESCRIPTION DRUG BILL.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1167	Justus	N.C. ENVIRONMENTAL RULES CHANGES.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1168	Justus	AMEND ENVIRONMENTAL RULES FOR N.C.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1170	Wilson, C	MEDICAL TREATMENT PROTOCOL.	HF	Postponed Indefinitely	04-17-01	10-03-02
H1171	Goodwin	JUDICIAL ELECTION REFORM.	*H	Re-ref Com On Election Law and Campaign Finance Reform	04-12-01	07-11-01
H1178	Blust	VOTERS RESOLVE LOCAL SCHOOL FUNDING DISPUTES.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1187	Blue	CLARIFICATION OF COURT FEES.	*HR	Ch. SL 2002-135	10-01-02	10-02-02
H1216	Hackney	EXTEND SWINE FARM MORATORIA-4.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1218=	Owens	2001 EDUCATION LOTTERY REFERENDUM.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1231	Hensley	AMEND APPORTIONMENT FORMULA.	*HF	Postponed Indefinitely	06-25-01	10-03-02
H1233	Shubert	LRC TO STUDY HIWAY PROSPERITY PLANNING	HF	Postponed Indefinitely	04-12-01	10-03-02

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		ACT.				
H1235	Ellis	SITING LIMITS FOR SANITARY LANDFILLS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1240	Luebke	MEDICAL USE OF MARIJUANA/STUDY.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1250	Goodwin	FALLEN FIREFIGHTERS MEMORIAL DAY.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1251	Goodwin	LRC STUDY STATE PAYS FULL MEDICAID SHARE.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1252	Goodwin	SAFETY PLANNING.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1253	Goodwin	UNINSURED MOTORIST COVERAGE.	*HF	Postponed Indefinitely	04-25-01	10-03-02
H1256	Underhill	ED OV. STUDY TEACHER PORTFOLIO REQUIREMENT.	*HF	Postponed Indefinitely	04-25-01	10-03-02
H1257	Underhill	STREAM IDENTIFICATION FOR BUFFER RULES.	*HR	Ch. SL 2001-404	04-12-01	04-18-01
H1258	Davis	HISTORIC MONUMENTS/ MEMORIALS PROTECTION ACT.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1261	Boyd-McIntyre	HONORING N.C. 2000 OLYMPIC MEDAL WINNERS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1262	Wright	DIRECTING LEGIS. SERVS. COMM. TO REVIEW SECURITY	HF	Postponed Indefinitely	04-12-01	10-03-02
H1263	Wright	STATE EMPLOYEES' HEALTH PLAN BENEFITS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1264	Wright	STUDY COMMITTEE ON HEPATITIS C.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1267	Wright	DIRECTING LRC TO REVIEW SECURITY SURVEY.	H	Re-ref Com On Education	04-12-01	06-04-01
H1271	Haire	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION	*HF	Postponed Indefinitely	04-12-01	05-02-01
H1271	Haire	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION	*HF	Postponed Indefinitely	08-02-01	10-03-02
H1273=	Justus	NCDL-ADDRESS REQUIREMENT ON APPLICATION.	HF	Postponed Indefinitely	04-12-01	04-17-01
H1274	Insko	REVENUE LAWS STUDY ENTERTAINMENT TAX.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1275=	Alexander	UNDERAGE DRINKING STUDY COMMISSION.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1279	Allred	STUDY HIGHER ED. RESIDENCY REQS.	*HF	Postponed Indefinitely	04-25-01	10-03-02
H1290	Rogers	AMEND UNC LAWS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1291	Carpenter	LIMIT EXERCISE OF ETJ POWER.	*HF	Postponed Indefinitely	06-05-01	10-03-02
H1296	Luebke	AMEND TRAFFIC STOP LAWS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1297	Luebke	STUDY GANG VIOLENCE & JUVENILE CRIME PREVENTION.	HF	Postponed Indefinitely	04-12-01	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
$ [redacted]300=	**Gibson**	**STUDY ALTERNATIVE ENERGY SOURCES.**	***HF**	**Postponed Indefinitely**	**10-18-01**	**10-03-02**
H1307	Holmes	AMEND MORTGAGE LENDING ACT.	*H	Pres. To Gov. 10/ 4/2002	10-01-02	10-02-02
$ H1315	**Morris**	**STUDY RAPIST PARENTAL RIGHTS.**	**HF**	**Postponed Indefinitely**	**04-12-01**	**10-03-02**
H1319	Warwick	ENVIRONMENTAL MANAGEMENT COMMISSION AMEND.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1320	Warwick	AMEND COASTAL LAWS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1329	Carpenter	MV INSURERS-NO MANDATE/NONORIGINAL CRASH PARTS.	HF	Postponed Indefinitely	04-25-01	10-03-02
H1330	Clary	MILITARY VOTING/ INTERNET.	*HF	Postponed Indefinitely	04-24-01	10-03-02
$ H1332	**Insko**	**HEALTH CARE FUNDAMENTAL RIGHT.**	**HF**	**Postponed Indefinitely**	**04-12-01**	**10-03-02**
H1334	Barefoot	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1336	Wilson, C	L.R.C. TO STUDY CERTIFICATE OF NEED LAWS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1338	Boyd-McIntyre	LRC STUDY OF SCHOOL OF SCIENCE & MATH.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1339	Boyd-McIntyre	PERMANENT IDENTIFICATION INSIDE BURIAL VAULTS.	HF	Postponed Indefinitely	04-12-01	10-03-02
[redacted]1340	Mitchell	LRC TO STUDY POST-TOWING PROCEDURES.	*HF	Postponed Indefinitely	04-24-01	10-03-02
H1341	Culpepper	AMEND AUCTIONS/ AUCTIONEERS LAWS.	*HR	Ch. SL 2001-198	04-12-01	04-19-01
H1342	Culpepper	NOTIFICATION OF LEASED MV PARKING VIOLATIONS.	*HR	Ch. SL 2001-259	04-12-01	04-23-01
H1343	Fitch	HONORING E. T. BEDDINGFIELD, JR.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1347	Cunningham	SMALL CONSTRUCTION.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1348	Warner	RETIRED SCHOOL COUNSELORS RETURN TO SCHOOLS.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1349	Warner	CLARIFY PAY PROVISIONS/LATERAL ENTRY TEACHER.	HF	Postponed Indefinitely	04-12-01	10-03-02
H1352	Hurley	LOCAL REIMBURSEMENTS/ SALES TAX.	HF	Postponed Indefinitely	04-16-01	10-03-02
H1363	Mitchell	GLOBAL TRANSPARK STUDY.	HF	Postponed Indefinitely	04-23-01	10-03-02
$ H1372	**Rogers**	**APPROPRIATIONS FOR COMMUNITY COLLEGES - 1.**	**HF**	**Postponed Indefinitely**	**04-24-01**	**10-03-02**
$ H1373	**Rogers**	**APPROPRIATIONS FOR COMMUNITY COLLEGES - 2.**	**HF**	**Postponed Indefinitely**	**04-24-01**	**10-03-02**

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
$ H1386	**Warner**	**COMMUNITY COLLEGE FACULTY SALARY FUNDS.**	**HF**	**Postponed Indefinitely**	**04-26-01**	**06-13-01**
$ H1387	**Nesbitt**	**APPROPRIATIONS FOR BUNCOMBE COUNTY - BLANK 1.**	**HF**	**Postponed Indefinitely**	**04-26-01**	**10-03-02**
H1402	Jeffus	ADDRESS CONFIDENTIALITY PROGRAM.	*H	Pres. To Gov. 10/ 3/2002	08-22-02	08-27-02
$ H1403	**Nesbitt**	**APPROPRIATIONS FOR BUNCOMBE COUNTY-BLANK 2.**	**HF**	**Postponed Indefinitely**	**04-26-01**	**10-03-02**
$ H1416	**Daughtry**	**STUDY HIV RISK/TREAT-RAPE VICTIM/HEALTH WORKER.**	**HF**	**Postponed Indefinitely**	**04-26-01**	**10-03-02**
H1420	Carpenter	STUDY DRUG OFFENSES.	HF	Postponed Indefinitely	04-26-01	10-03-02
H1421	Blue	INNOCENCE PROTECTION ACT.	HF	Postponed Indefinitely	04-26-01	10-03-02
H1428		LOCAL OPTION TRANSFER TAX.	HF	Postponed Indefinitely	05-09-01	05-29-01
H1430		STATE CAPITAL FACILITIES FINANCING ACT.	*HF	Postponed Indefinitely	05-09-01	06-20-01
H1437		ADJUST TIER FORMULA.	HF	Postponed Indefinitely	05-10-01	10-03-02
H1441		BILL LEE ACT CHANGES.	HF	Postponed Indefinitely	05-10-01	10-03-02
H1443		SUPPORT EDUCATION/ MODIFY TAX EXPENDITURES.	HF	Postponed Indefinitely	05-10-01	10-03-02
H1451	Smith	HONORING LT. GEN. JOHN ARCHER LEJEUNE.	HF	Postponed Indefinitely	05-15-01	10-03-02
H1452		WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 1.	HF	Postponed Indefinitely	05-17-01	10-03-02
H1453		WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 2.	HF	Postponed Indefinitely	05-17-01	10-03-02
H1455		HONORING IRA T. HARDISON AND JOHN F. MCNAIR.	H	Adopted	05-31-01	07-11-01
H1456		HONORING MEMORY OF WILVER DORNELL STARGELL.	HR	Ch. Res 2001-26	06-04-01	07-25-01
H1458		HONORING JOSEPH HEWES, WM. HOOPER, & JOHN PENN.	H	Adopted	06-20-01	06-28-01
H1459		HONORING LIFE & MEMORY OF DR. T. REGINALD HARRIS	HF	Postponed Indefinitely	06-25-01	10-03-02
H1460		HONORING JACKSON COUNTY'S FOUNDERS.	HR	Ch. Res 2001-25	06-27-01	06-28-01
H1461		HONORING LIFE & MEMORY OF JACOB WILBERT FORBES.	*HR	Ch. Res 2001-24	06-28-01	07-10-01
H1462		HONORING DAVID	HR	Ch. Res 2002-10	07-19-01	08-01-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		WEBSTER BUMGARDNER, JR.				
H1463		HONORING JOSEPH WAYNE GRIMSLEY.	HR	Ch. Res 2001-29	07-30-01	08-14-01
H1464		HONORING THE LIFE AND MEMORY OF LISTON B. RAMSEY	HF	Postponed Indefinitely	09-06-01	10-03-02
H1466	Miller	SUPPORT TROOPS/CIVIL RELIEF.	*H	Rec From House	09-17-01	09-19-01
H1467		HOUSE DISTS. - LESS RETROGRESSION.	HF	Postponed Indefinitely	10-09-01	10-03-02
H1469		HOUSE DISTRICTS/1% DEVIATION	HF	Postponed Indefinitely	10-25-01	10-03-02
H1470		HONOR AFRICAN AMER. WHO SERVED IN GEN. ASSEM.	HF	Postponed Indefinitely	10-30-01	10-03-02
$ H1479		**FIRE SAFETY IN JAILS.**	**HF**	**Postponed Indefinitely**	**05-28-02**	**10-03-02**
H1480		REPEAL UPPER INCOME TAX BRACKET.	HF	Postponed Indefinitely	05-29-02	10-03-02
H1483		TIMELY STATE BUDGET ACT.	HF	Postponed Indefinitely	05-30-02	10-03-02
H1486		ROANOKE RIVER BRIDGE NO-WAKE ZONE.	HR	Ch. SL 2002-39	06-18-02	06-26-02
H1489		LIMIT SESSIONS/FOUR-YEAR TERMS.	HF	Postponed Indefinitely	05-30-02	10-03-02
H1490		SECURE LOCAL REVENUES.	*HR	Ch. SL 2002-120	05-30-02	06-10-02
H1491		CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.	HF	Postponed Indefinitely	05-30-02	10-03-02
H1494		MORE FISCAL RESPONSIBILITY.	HF	Postponed Indefinitely	06-03-02	10-03-02
H1495		FISCAL RESPONSIBILITY ACT.	HF	Postponed Indefinitely	06-03-02	10-03-02
H1522		AUTH. BILL MAKING IT CRIMINAL OFF. DEFRAUD TESTS	H	Ref To Com On Rules and Operations of the Senate	06-05-02	06-12-02
H1526		HONOR LISTON RAMSEY.	*HR	Ch. Res 2002-6	06-05-02	07-23-02
H1527		HONORING CAROLINA HURRICANES.	HF	Postponed Indefinitely	06-04-02	10-03-02
H1532		CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.	HF	Postponed Indefinitely	06-05-02	10-03-02
H1540		DISAPPROVE CAMA RULE.	*HR	Ch. SL 2002-116	06-06-02	08-01-02
H1542		BUILDING CODE COUNCIL/ APA CLARIFICATION.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1543=		HONORING JEREMIAH MORRIS.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1555		EXTEND 1898 WILMINGTON RACE RIOT COMN.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1559=		GROUP HEALTH INSURANCE/LONG-TERM CARE STAFF.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1560		COORDINATE DRUG PROGRAM ACCESS.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1561=		LTC CRIMINAL RECORD	HF	Postponed	06-06-02	10-03-02

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		CHECK STUDY.		Indefinitely		
[illegible]66		TEMPORARY COMPENSATION REDUCTIONS.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1568		SEDIMENTATION ACT IMPROVEMENTS.	*H	Re-ref Com On Finance	07-09-02	09-26-02
H1569=		FLEXIBLE HOURS FOR STATE EMPLOYEES.	HF	Postponed Indefinitely	08-13-02	10-03-02
H1576		BADIN CHARTER.	HF	Postponed Indefinitely	07-15-02	10-03-02
H1580		STATE HEALTH PLAN CHANGES.	HF	Postponed Indefinitely	06-06-02	10-03-02
H1590=		CONFIRM. OF JOS. A. SMITH, JR., AS COMM. OF BANK	HF	Postponed Indefinitely	06-12-02	10-03-02
H1595=		CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.	HF	Postponed Indefinitely	06-10-02	10-03-02
H1608		REVISE PAYDAY LENDING REGULATIONS.	HF	Postponed Indefinitely	06-11-02	10-03-02
H1611		TRANSYLVANIA AND HARNETT HUNTING.	*HF	Postponed Indefinitely	10-02-02	10-03-02
H1621		RECLASSIFY STATUTORY RAPE.	HF	Postponed Indefinitely	06-12-02	10-03-02
H1622=		AMEND SPECIAL PROBATION DEFINITION.	HF	Postponed Indefinitely	06-12-02	10-03-02
H1625=		OUT OF STATE SCHOOLS W/ NC CAMPUS.	HF	Postponed Indefinitely	06-12-02	10-03-02
H1626=		CATAWBA COMM. COLL/ HOSIERY TECH. CENTER.	HF	Postponed Indefinitely	06-12-02	06-13-02
[illegible]627		FILED DD 214 REMOVAL-CRAVEN, NASH, PAMLICO COUNT	*HR	Ch. SL 2002-96	06-12-02	06-13-02
H1639=		SENTENCE LENGTHS/ STRUCTURED SENTENCE.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1640		DUCK/MANTEO/CHOWAN/ BERTIE LOCAL AMENDMENTS.	*HR	Ch. SL 2002-141	06-13-02	07-25-02
H1640		DUCK/MANTEO/CHOWAN/ BERTIE LOCAL AMENDMENTS.	*HR	Ch. SL 2002-141	09-11-02	09-25-02
H1646		ROWLAND ARREST JURISDICTION.	*H	Re-ref Com On Judiciary III	07-30-02	08-15-02
H1647		SCHOLARSHIPS FOR CHILDREN OF WAR VETERANS.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1655		CLEVELAND CO. SANITARY DISTRICT BD. COMP.	HF	Postponed Indefinitely	06-13-02	07-17-02
H1663		AMEND SPECIAL PROBATION DEFINITION.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1672		SCOTLAND LOCAL SALES TAX FOR SCHOOLS.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1675		HONORING HUGH STEWART JOHNSON, JR.	HR	Ch. Res 2002-9	06-13-02	07-03-02
H1676		2002 EDUCATION LOTTERY REFERENDUM.	HF	Postponed Indefinitely	06-13-02	10-03-02

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$ [redacted]80		**ED OVERSIGHT STUDY/ RENAME FSU.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
$ H1688		**INTERBASIN TRANSFER EXCEPTION.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
$ H1692=		**HIGH-PRIORITY SCH. PROG. WAIVER/FUND SAVINGS.**	***HF**	**Postponed Indefinitely**	**07-09-02**	**07-10-02**
$ H1702		**STUDY COMPARATIVE TAX BURDEN.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
H1703	McComas	TRANSFER PORTS RAILWAY TO STATE PORTS.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1704=		ADJUST PENALTIES B1 TO E OFFENSES.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1705=		RESTRUCTURE PRIOR CRIM. RECORD POINTS.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1706		N C PORTS.	HF	Postponed Indefinitely	06-13-02	10-03-02
H1709		EXPAND USE OF 911 FUNDS.	HF	Postponed Indefinitely	06-13-02	10-03-02
$ H1710=		**INDEPENDENT GOVERNMENT REVIEW COMM./FUNDS.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
$ H1712		**INTERNET SPAM/FUNDS.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
$ H1713		**STUDY ON INSTR. SUPPORT PERSONNEL SALARIES.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
[redacted]1715		**STUDY ON TEACHER RECRUITMENT AND RETENTION.**	**HF**	**Postponed Indefinitely**	**06-13-02**	**10-03-02**
H1721		LOW-INCOME HOUSING TAX CREDIT AMENDMENT.	HF	Postponed Indefinitely	06-13-02	10-03-02
$ H1735		**ABOLISH DMV ENFORCEMENT.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
$ H1739=		**AMEND MENTAL HEALTH REFORM.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
$ H1740		**COUNTY SCHOOL APPROPRIATIONS.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
H1741		TEACHER'S DUTY TO PREPARE PORTFOLIOS LIMITED.	HF	Postponed Indefinitely	06-17-02	10-03-02
H1742		PERTAINING TO THE DISPLAY OF THE U.S. FLAG.	HF	Postponed Indefinitely	06-17-02	10-03-02
H1744=		GUN TRAFFICKING.	HF	Postponed Indefinitely	06-17-02	10-03-02
H1746=		PERFORMANCE CONTRACTING FOR STATE AGENCIES.	HF	Postponed Indefinitely	06-17-02	10-03-02
$ H1755		**ANTITERRORISM IDENTITY SECURITY ACT OF 2002.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
H1756		REVENUE ESTIMATES LIMITED.	HF	Postponed Indefinitely	06-17-02	10-03-02
$ H1757		**LOCAL FLEXIBILITY FOR**	**HF**	**Postponed**	**06-17-02**	**10-03-02**

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		SCHOOL SYSTEMS/STUDY.		Indefinitely		
1758		NO UNC LUXURY RESORTS/ SPAS.	HF	Postponed Indefinitely	06-17-02	10-03-02
$ H1759		**ON-LINE VOTING STUDY.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
$ H1760=		**PREVENT WORKPLACE VIOLENCE.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
$ H1763		**COUNTY SCHOOL APPROPRIATIONS.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
$ H1768		**EXPUNGE RECORDS/ MISIDENTIFICATION OF PERSON.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
H1769=		UNC EMPLOYEE DESIGNATION.	HF	Postponed Indefinitely	06-17-02	10-03-02
$ H1771		**GUIDELINES FOR SCHOOL COUNSELORS.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**06-25-02**
$ H1772		**ROANOKE RIVER BASIN INTERSTATE COMMISSION.**	**H**	**Re-ref Com On Environment and Natural Resources**	**06-17-02**	**07-11-02**
$ H1773		**CERT. RENEWAL FOR RETIRED TEACHERS LIMITED.**	**HF**	**Postponed Indefinitely**	**06-17-02**	**10-03-02**
H1774		HONORING CHIANG CHING-KUO.	*H	Ref To Com On Rules and Operations of the Senate	06-27-02	07-16-02
H1775		SUPPORTING THE PLEDGE OF ALLEGIANCE.	H	Adopted	06-27-02	07-10-02
H1776		RECOGNIZING IMPORTANCE OF BIOBASED AND VALUE-ADD	*H	Adopted	07-15-02	07-17-02
H1778		HONORING LINWOOD EBORN MERCER.	HR	Ch. Res 2002-11	07-23-02	08-14-02
H1779		HONORING HOWARD B.CHAPIN.	H	Ref To Com On Rules and Operations of the Senate	07-25-02	08-19-02
H1780		VETERANS' CLAIMS.	H	Adopted	07-31-02	08-21-02
H1781		MEMORIALIZING ALEXANDER TROY.	HF	Postponed Indefinitely	08-05-02	10-03-02
H1782		HONORING 2002 WINTER OLYMPIANS.	H	Adopted	08-06-02	08-06-02
H1783		AUTH. THE G.A. TO CONSIDER "AMBER ALERT" BILL.	HR	Ch. Res 2002-12	08-20-02	08-21-02
H1786		REQUESTING TOBACCO QUOTA BUYOUT PROGRAM.	*H	Adopted	08-30-02	09-11-02
H1787		RECOGNIZING CAROWINDS THEME PARK.	H	Adopted	08-30-02	09-11-02
H1788		HONOR THE VICTIMS AND HEROES OF SEPT. 11, 2001.	*H	Ref To Com On Rules and Operations of the Senate	09-05-02	09-11-02
H1789		ADJOURNMENT-1	HF	Postponed Indefinitely	09-09-02	10-03-02
H1790		ADJOURNMENT-2	HF	Postponed	09-10-02	10-03-02

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91=		INTERNET DOMAIN FOR PORNOGRAPHY-1	HF	Postponed Indefinitely	09-10-02	10-03-02
H1792		ADJOURNMENT-3	HF	Postponed Indefinitely	09-11-02	10-03-02
H1793=		INTERNET DOMAIN FOR PORNOGRAPHY-2	HF	Postponed Indefinitely	09-11-02	10-03-02
H1794		ADJOURNMENT-4	HF	Postponed Indefinitely	09-12-02	10-03-02
H1795=		INTERNET DOMAIN FOR PORNOGRAPHY-3	HF	Postponed Indefinitely	09-12-02	10-03-02
H1796		INTERNET WEB DOMAIN FOR PORNOGRAPHY-4.	HF	Postponed Indefinitely	09-18-02	10-03-02
H1797=		INTERNET WEB DOMAIN FOR PORNOGRAPHY-5.	HF	Postponed Indefinitely	09-18-02	10-03-02
H1798	Davis	RESTRICTING LOBBYISTS.	HF	Postponed Indefinitely	09-19-02	10-03-02
H1799=		INTERNET DOMAIN FOR PORNOGRAPHY-6.	HF	Postponed Indefinitely	09-19-02	10-03-02
H1800		INTERNET WEB DOMAIN FOR PORNOGRAPHY-7	HF	Postponed Indefinitely	09-19-02	10-03-02
H1801		DEVIATIONS FROM HOUSE RULES.	HF	Postponed Indefinitely	09-19-02	10-03-02
H1802		INTERNET WEB DOMAIN FOR PORNOGRAPHY-8.	HF	Postponed Indefinitely	09-20-02	10-03-02
H1803		INTERNET WEB DOMAIN FOR PORNOGRAPHY-9.	HF	Postponed Indefinitely	09-23-02	10-03-02
H1805		HONORING MEMORY OF PHILIP PITTMAN GODWIN SR.	HR	Ch. Res 2002-17	09-23-02	09-26-02
1806		CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.	HF	Postponed Indefinitely	09-25-02	10-03-02
H1807		SUPPORT FOR RECALL AMENDMENT.	HF	Postponed Indefinitely	09-25-02	10-03-02
H1808		CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.	HF	Postponed Indefinitely	09-26-02	10-03-02
H1809		CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.	HF	Postponed Indefinitely	09-26-02	10-03-02
H1810		SPEAKER TO ALLOW FLOOR DEBATE ON S BILL 1008.	HF	Postponed Indefinitely	09-30-02	10-03-02
H1811		CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008-	HF	Postponed Indefinitely	10-01-02	10-03-02
H1812		FEDERAL FUND APPROPRIATIONS.	HF	Postponed Indefinitely	10-01-02	10-03-02
H1813		CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.	HF	Postponed Indefinitely	10-02-02	10-03-02
H1814		VIOLATION OF HOUSE RULES.	HF	Postponed Indefinitely	10-03-02	10-03-02
H1815		CALLING ON SPEAKER TO ALLOW DEBATE ON S1008.	HF	Postponed Indefinitely	10-03-02	10-03-02

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2001-2002 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0002	Tony Rand	AUTHORIZE LOTTERY REFERENDUM	*HF	Failed 2nd Reading	03-01-01	09-17-02
S0015	Eric Miller Reev	PERSONNEL INFO. NOT DISCLOSED TO MEMBERS OF G.A.	*HF	Postponed Indefinitely	04-30-01	10-03-02
S0024	T. LaFontine Odo	WEST NORMAN INCORPORATION.	*HF	Failed 2nd Reading	03-21-01	04-10-01
S0024	T. LaFontine Odo	WEST NORMAN INCORPORATION.	*HF	Failed 2nd Reading	05-03-01	05-29-01
$ S0034	**T. LaFontine Odo**	**CONTINUE STATE BUDGET.**	***HR**	**Ch. SL 2001-322**	**07-26-01**	**07-26-01**
$ S0042	**Aaron W. Plyler**	**CONTINUING BUDGET AUTHORITY.**	***HR**	**Ch. SL 2001-250**	**06-27-01**	**06-28-01**
S0046	Aaron W. Plyler	MONROE PREPARED FOOD TAX.	*HF	Failed 2nd Reading	11-28-01	07-16-02
S0052	Aaron W. Plyler	HONORING GREAT NORTH CAROLINIANS/BILLY GRAHAM.	*HF	Postponed Indefinitely	08-08-01	10-03-02
$ S0061	**Howard N. Lee**	**CONTINUING BUDGET AUTHORIZATION.**	***HR**	**Ch. SL 2001-395**	**08-23-01**	**08-28-01**
S0070=	Howard N. Lee	AMEND DEFINITION OF CONVENTION CENTER	*H	Pres. To Gov. 10/ 4/2002	04-26-01	10-02-02
S0093	Tony Rand	NC EDUCATION LOTTERY ADVISORY REFERENDUM.	*HF	Postponed Indefinitely	07-03-02	07-09-02
S0093	Tony Rand	NC EDUCATION LOTTERY ADVISORY REFERENDUM.	*HF	Postponed Indefinitely	09-17-02	10-03-02
S0094=	David F. Weinste	IMPLEMENT 4-YEAR TERMS AND SESSION LIMITS.	*HF	Failed 2nd Reading	04-26-01	09-04-02
S0098=	Charlie S. Danne	STUDIES ACT OF 2002	*H	Pres. To Gov. 10/ 4/2002	03-26-01	10-03-02
S0104	David W. Hoyle	REGULATE DEFERRED DEPOSIT.	*HA	Amend Adopted #8	04-26-01	08-12-02
S0128=	Tony Rand	INVITE GOVERNOR/ ADDRESS JOINT SESSION		HR Ch. Res 2001-2	02-13-01	02-14-01
S0132	Robert C. Carpen	HEALTH INSURANCE/ COLORECTAL CANCER SCREENING.	*HR	Ch. SL 2001-116	04-12-01	05-14-01
S0137	Frank W. Ballanc	PRIVATE CORRECTIONAL OFFICERS.	*HR	Ch. SL 2001-378	04-12-01	05-03-01
S0139=	Tony Rand	LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS.	*HR	Ch. SL 2001-462	06-05-01	06-20-01
S0139=	Tony Rand	LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS.	*HR	Ch. SL 2001-462	07-18-01	10-23-01
$ S0140	**Tony Rand**	**AD HOC COMMUNITY COLLECTIONS REPORTED.**	***HF**	**Postponed Indefinitely**	**10-08-01**	**10-03-02**
$ S0163=	**Tony Rand**	**LEAS AND GROUP HOMES.**	***H**	**Pres. To Gov. 10/ 4/2002**	**10-08-01**	**07-30-02**
$ S0163=	**Tony Rand**	**LEAS AND GROUP HOMES.**	***H**	**Pres. To Gov. 10/ 4/2002**	**09-05-02**	**09-26-02**
S0166=	Charlie S. Danne	THE STUDIES ACT OF 2001.	*HR	Ch. SL 2001-491	03-29-01	12-06-01
S0167=	Charlie S. Danne	RATE SETTING/ADULT DAY CARE.	*HF	Postponed Indefinitely	04-30-01	10-03-02
$ S0178=	**William R. Purce**	**ADULT CARE HOME ASSESMENT.**	***HR**	**Ch. SL 2001-482**	**05-16-01**	**10-23-01**
S0199=	Allen H. Wellons	MANAGED CARE	*HR	Ch. SL 2001-446	04-30-01	07-26-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		PATIENTS' BILL OF RIGHTS.				
S0202=	Charles W. Alber	AMEND FISHERIES LAWS.	*HR	Ch. SL 2001-213	04-12-01	05-30-01
S0217=	David W. Hoyle	EXTEND TIME FOR UNIVERSAL SERVICE FINAL RULES.	HR	Ch. SL 2001-252	04-17-01	06-28-01
S0243	Aaron W. Plyler	RED LIGHT CAMERAS/ CERTAIN CITIES.	*HR	Ch. SL 2001-286	03-26-01	04-02-01
S0243	Aaron W. Plyler	RED LIGHT CAMERAS/ CERTAIN CITIES.	*HR	Ch. SL 2001-286	04-16-01	05-14-01
S0255=	Fletcher L. Hart	MIDLAND/ELON LOCAL ACT.	*HR	Ch. SL 2001-366	07-24-01	07-26-01
S0304	Charles W. Alber	LEGISLATORS CAN'T SERVE ON COMM. COLLEGE BD.	*HF	Postponed Indefinitely	04-18-01	10-03-02
S0347	Tony Rand	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	*H	Pres. To Gov. 10/ 3/2002	05-09-01	09-26-02
S0348	Tony Rand	INCREASE CUMBERLAND OCCUPANCY TAX.	*HR	Ch. SL 2001-484	10-25-01	11-08-01
S0362=	R. C. Soles, Jr.	CONFIRMATION/ROBERT POWELL/STATE CONTROLLER.	*HR	Ch. Res 2001-22	06-21-01	06-27-01
S0367	David W. Hoyle	LOW-INCOME HOUSING CREDIT PROGRAM EXEMPT/ APA.	*HR	Ch. SL 2001-299	05-17-01	06-20-01
S0391	James Forrester	ELIMINATE DISPARITIES IN HEALTH CARE.	HF	Postponed Indefinitely	04-03-01	10-03-02
S0394	Brad Miller	STUDY ADVISORY SBE MEMBERS/HEART TASK FORCE.	*HF	Postponed Indefinitely	08-28-01	10-03-02
S0398	Virginia Foxx	CHECK CASHER ACT SUNSET EXTENDED.	*HR	Ch. SL 2001-323	05-23-01	07-25-01
S0399=	Charlie S. Danne	CHARLOTTE CHARTER CLEANUP.	HR	Ch. SL 2001-79	04-12-01	05-14-01
S0420	A. B Swindell	ROCKY MOUNT/ PERQUIMANS LOCAL ACT.	*HR	Ch. SL 2001-330	07-23-01	07-25-01
S0432=	John H. Kerr III	WATER AND SEWER AUTHORITIES.	*HR	Ch. SL 2001-224	04-17-01	05-17-01
S0434=	Tony Rand	AUDITS FOR LOCAL GOVERNMENTS.	HR	Ch. SL 2001-160	04-12-01	05-14-01
S0439	Charlie S. Danne	CHARLOTTE-PARKING ORDINANCES.	*HR	Ch. SL 2001-88	04-12-01	05-14-01
S0441	Howard N. Lee	STATE SCHOOL SUPERINTENDENT APPOINTED.	HF	Postponed Indefinitely	04-23-01	10-03-02
S0470=	David W. Hoyle	AMEND MV DEALER FRANCHISE LAWS.	*HR	Ch. SL 2001-510	08-15-01	08-30-01
S0484	Frank W. Ballanc	INCREASE PHARMACY BOARD MEMBERSHIP.	*HF	Postponed Indefinitely	04-10-01	10-03-02
S0486	Hamilton C. Hort	KERNERSVILLE PRIVATE SALE.	HR	Ch. SL 2001-80	04-12-01	05-14-01
S0551	Frank W. Ballanc	WELDON ANNEXATION AGREEMENT.	*HR	Ch. SL 2001-425	09-18-01	09-19-01
S0571	Tony Rand	PRESIDENT PRO TEM AND SPEAKER APPOINTMENTS.	*HR	Ch. SL 2001-486	11-08-01	12-05-01

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S0586	Fletcher L. Hart	CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL.	HF	Postponed Indefinitely	09-11-01	10-03-02
S0587	Jeanne H. Lucas	DURHAM HIST.PROP./ TAKING OF DEER.	*HR	Ch. SL 2001-382	05-15-01	08-15-01
S0589	Charlie S. Danne	OFF-ROAD VEH/AGR. QUARANTINE PROG. PERM.	*HR	Ch. SL 2002-150	07-19-01	09-04-02
S0600	Wib Gulley	MV TECHNICAL CHANGES.	*H	Re-ref Com On Appropriations	06-20-01	09-26-01
S0603	Wib Gulley	NAVASSA/CARY CHANGES.	*HR	Ch. SL 2001-485	12-04-01	12-05-01
S0626=	Daniel G. Clodfe	DOMESTIC VIOLENCE FATALITY REVIEW TEAM.	*HF	Postponed Indefinitely	05-17-01	10-03-02
S0633=	Daniel G. Clodfe	BUILDING CODE PILOT PROGRAM.	*HR	Ch. SL 2001-372	04-26-01	05-09-01
S0639	Eleanor Kinnaird	DEEP RIVER HERITAGE CORRIDOR.	*HF	Postponed Indefinitely	04-30-01	10-03-02
S0649	David W. Hoyle	MV DEALER DISCLOSURE OF CERTAIN FEES.	*HR	Ch. SL 2001-492	07-09-01	09-20-01
S0680	T. LaFontine Odo	LAWFUL FIREARM ACTIVITIES PROTECTED.	*H	Ref To Com On Judiciary II	07-02-01	07-11-01
S0712	Tony Rand	DISTRICT JUDGE 8-YEAR TERMS.	*H	Placed On Cal For 8/30/2002	04-23-01	07-10-02
S0718	Daniel G. Clodfe	LOCAL GOV. SPECIAL OBLIGATION BOND USE	*H	Re-ref Com On Finance	04-23-01	10-02-02
S0748=	David W. Hoyle	BILL LEE ACT CHANGES-AB.	*HR	Ch. SL 2001-476	10-03-01	10-03-01
S0766	Robert C. Carpen	MEDICAL SERVICES FOR THE DISABLED/STUDY.	*H	Ref To Com On Rules and Operations of the Senate	04-26-01	04-30-01
S0772=	Allen H. Wellons	ENTERAL SEDATION/ DENTIST PERMITS.	HR	Ch. SL 2001-511	09-26-01	10-02-01
S0774	Tony Rand	PUBLIC ENTERPRISE CUSTOMER BILLING PRIVACY.	*HR	Ch. SL 2001-473	05-10-01	05-17-01
S0785	T. LaFontine Odo	GOV'T ATTORNEYS CLE EXEMPTION.	HF	Postponed Indefinitely	04-23-01	10-03-02
S0798	Brad Miller	SENATE REDISTRICTING.	*HR	Ch. SL 2001-458	09-21-01	11-06-01
S0819	Tony Rand	CERTAIN PROB. VIOL. TO CT. OF APPEALS.	H	Re-ref to the Com on Judiciary I and, if favorable, to the Com on Rules, Calendar, and Operations of the House	04-23-01	05-09-01
S0825	Tony Rand	STATE HEALTH PLAN CONTRACT/EXEMPT APA.	*HR	Ch. SL 2001-192	05-02-01	05-29-01
S0831	Tony Rand	CONTROLLER/EXTEND APPT. DEADLINE.	*HR	Ch. SL 2001-42	04-26-01	04-30-01
S0887	Daniel G. Clodfe	MAGISTRATES & CLERKS' AUTH/EXPUNGE RECORDS	*H	Placed On Cal For 10/2/2002	04-30-01	07-25-02
S0907	Howard N. Lee	ORGAN, EYE, AND TISSUE DONOR REGISTRY	*HR	Ch. SL 2001-481	10-08-01	10-18-01
S0910	Tony Rand	CRIME TO DEFRAUD DRUG TEST.	*H	Pres. To Gov. 10/ 4/2002	05-10-01	10-02-02
S0914	Walter H. Dalton	PUBLIC CONSTRUCTION	*HR	Ch. SL 2001-496	09-11-01	11-27-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		LAW CHANGES.				
[illegible]931	Tony Rand	CAPITAL CASE/JUDGE OVERSEE DISCOVERY.	*HF	Postponed Indefinitely	05-10-01	10-03-02
S0938	Virginia Foxx	STUDY DATE RAPE DRUG ANALOGUES.	*HF	Postponed Indefinitely	05-30-01	10-03-02
S0970	John H. Kerr III	GRAPE GROWERS COUNCIL FUNDS.	*HR	Ch. SL 2001-475	09-17-01	11-15-01
S1008	Charles W. Alber	BAN VIDEO POKER/ALL BUT RESERVATIONS.	*HF	Postponed Indefinitely	07-25-02	10-03-02
S1024	Charles Carter	AMEND APPOINTMENT OF EMC MEMBERS.	*HF	Postponed Indefinitely	05-14-01	10-03-02
S1032	Howard N. Lee	MINORS' INTERNET ACCESS.	*HF	Postponed Indefinitely	04-30-01	10-03-02
S1038	David W. Hoyle	PUBLIC RIGHT-OF-WAY DECLARATION.	*HR	Ch. SL 2001-501	10-04-01	11-28-01
S1098	Brad Miller	OUTDOOR ADVERTISING ALONG I-40.	*H	Re-ref Com On Environment and Natural Resources	04-30-01	05-17-01
S1103		HONORING MEMORY JOHN THOMAS/TOWN OF THOMASVILLE.	HR	Ch. Res 2001-27	08-08-01	08-08-01
$ S1113		**EXTEND APPROPRIATIONS MODIFICATION ACT.**	***HR**	**Ch. SL 2002-101**	**08-28-02**	**08-28-02**
S1137		COUNTY UTILITIES AUTHORITY	*HF	Postponed Indefinitely	10-03-02	10-03-02
S1140		AMEND DEFINITION OF CONVENTION CENTER.	*HF	Postponed Indefinitely	08-29-02	10-03-02
S1144		TWO-WHEELED MOBILITY DEVICES.	*HR	Ch. SL 2002-98	07-18-02	08-07-02
[illegible]1162		DEFRAUD DRUG TESTS/ URINE SAMPLE SALES.	*HF	Postponed Indefinitely	07-23-02	10-03-02
S1163=		FLEXIBLE HOURS FOR STATE EMPLOYEES.	HF	Postponed Indefinitely	07-25-02	10-03-02
S1199		COORDINATE DRUG PROGRAM ACCESS.	HF	Postponed Indefinitely	07-02-02	10-03-02
S1210		WINERY WASTEWATER MANAGEMENT.	*HF	Postponed Indefinitely	07-30-02	10-03-02
S1211		NAT & HIST PRESERVE AND PARK SYSTEM REMOVALS.	*HR	Ch. SL 2002-149	08-27-02	09-16-02
S1214		AMEND PUBLIC ENTER. CUSTOMER BILLING PRIVACY.	HF	Postponed Indefinitely	07-18-02	10-03-02
S1217=		2002 TECHNICAL CORRECTIONS.	*HR	Ch. SL 2002-159	10-02-02	10-02-02
S1229=		HONORING JEREMIAH MORRIS/MORRISVILLE 150TH ANNIV	HR	Ch. Res 2002-4	06-11-02	07-08-02
S1248		PENSION ASSURANCE FUND	*HF	Postponed Indefinitely	08-20-02	10-03-02
S1252		LAND CONSERVATION STATUTES AMENDMENTS.	*HR	Ch. SL 2002-155	08-19-02	09-11-02
S1260=		CONSERVE WATER/ PROMOTE GREEN ENERGY.	*H	Re-ref Com On Environment and Natural Resources	08-20-02	09-16-02
S1275		DROPOUT RDCTN/LEA	*H	Pres. To Gov. 9/	07-08-02	07-15-02

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2001-2002 Biennium

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		ACCOUNTABILITY.		24/2002		
[redacted]81		CERTAIN OCCUPATIONAL LICENSING BOARD CHANGES.	*H	Pres. To Gov. 10/ 4/2002	09-30-02	10-02-02
S1282		AGENCIES SHARE JUVENILE INFORMATION	*HF	Postponed Indefinitely	09-30-02	10-03-02
S1283		PRESIDENT PRO TEM AND SPEAKER APPOINTMENTS	*H	Pres. To Gov. 10/ 4/2002	10-02-02	10-03-02
S1303=		BANKING COMMISSIONER CONFIRMATION.	HR	Ch. Res 2002-15	06-24-02	10-02-02
S1329		DOT PAYS COUNTY GAS LINE RELOCATION COST.	*H	Assigned To Appropriations Subcommittee on Transportation	07-25-02	08-27-02
S1420		SHAKEDOWN PREVENTION.	*HF	Postponed Indefinitely	08-13-02	10-03-02
$ S1443		**FACILITATE JOB SHARING BY TEACHERS.**	***H**	**Pres. To Gov. 10/ 3/2002**	**08-20-02**	**09-04-02**
$ S1455		**STRENGTHEN SECURITIES FRAUD ENFORCEMENT LAWS.**	***H**	**Pres. To Gov. 10/ 4/2002**	**07-30-02**	**09-20-02**
S1469		HONORING THE MEMORY OF WILLIAM JOSEPH GASTON.	*HR	Ch. Res 2002-13	07-29-02	08-21-02
S1471		INDEPENDENCE DAY.	HF	Postponed Indefinitely	07-03-02	10-03-02
S1472		CAROWINDS 30TH ANNIVERSARY.	HF	Postponed Indefinitely	07-22-02	10-03-02
[redacted]1474		BASCOM LUNSFORD/75TH ANNIV/MT. DANCE FOLK FEST.	HR	Ch. Res 2002-5	07-23-02	07-23-02
S1476		MEMORY J.W. MARSH/ MARSHVILLE'S 125TH ANNIV.	HR	Ch. Res 2002-16	09-23-02	10-02-02
S1478	Tony Rand	ADJOURNMENT SINE DIE	*HR	Ch. Res 2002-18	10-01-02	10-04-02

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COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
May 17, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 2 (EXTRA SESSION) 2002 PRIMARY SCHEDULING

HB 3 (EXTRA SESSION) PRIMARY SCHEDULING

ADJOURNMENT

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

May 17, 2002

The Committee on Rules, Calendar and Operations of the House met on May 17, 2002 at 5:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Gibson, Gulley, Hill, Jarrell, Luebke, McCombs, Michaux, Sherrill, Thompson, Willingham, Yongue and, ex officio members Baddour, Dedmon and Earle.

The following bills were considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 2 (EXTRA SESSION 2002) AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT. A proposed House committee substitute was offered, and Representative Buchanan moved for its adoption for purposes of discussion. Without objection, the chairman so ordered. Gerry Cohen, Director of Bill Drafting, was recognized to explain the proposed committee substitute. He stated that the bill delegates, with certain standards, the State Board of Elections the power to reschedule the 2002 primary elections, including any timetables that are necessary and also to make adjustments in the timetables in the general election to accommodate a complex schedule. They are allowed as part of that, if necessary, to provide that for this year only the result of the primaries will be by a plurality; no second primary will be held. Following his explanation, Representative Michaux expressed concern that the proposed committee substitute gives too much power to the Board of Elections. Representative Allred agreed. Following further discussion, the chairman announced that there would be no vote taken at the meeting.

HB 3 (EXTRA SESSION 2002) AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT. A proposed committee substitute changing the title to AN ACT TO DEFER UNTIL THE GENERAL ELECTION THE VOTE ON A CONSTITUTIONAL AMENDMENT THAT HAD BEEN ON THE 2002 PRIMARY BALLOT was offered, and Representative Buchanan moved for its adoption for purposes of discussion. Without objection, the chairman so ordered. Gerry Cohen was recognized to explain the proposed committee substitute. He stated that he believed the bill to be noncontroversial. Representative Michaux made a motion that the proposed committee substitute be given a favorable report, unfavorable as to the first committee substitute. The motion carried.

There being no further business, the meeting adjourned at 5:35 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 2002

S 3

SENATE BILL 2
Redistricting Committee Substitute Adopted 5/15/02
Third Edition Engrossed 5/16/02

Short Title: 2002 Primary Scheduling. (Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-22.4. Power of State Board to issue temporary orders, guidelines, and directives as to the 2002 primary and elections.**

(a) Only for the 2002 primary and 2002 general elections, the State Board of Elections may issue temporary orders, guidelines, and directives that may change, modify, delete, amend, or add to any statute contained in Chapter 163 of the General Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or any other election regulation or guideline that may affect the 2002 primaries and general elections. The orders, guidelines, and directives may provide that not withstanding G.S. 163-111, in 2002 only, the result of the primary shall be determined by a plurality and no second primary shall be held. The authority granted by this section shall be exercised only when needed to ensure the orderly and timely operations of the electoral process, the public good, and any valid interest of voters, candidates, and officeholders in order to accommodate the compressed schedule necessitated by delays in holding the primary elections. This authority also extends to any elections originally scheduled to be held on May 7, 2002 or on the date of the second primary. The determination of the valid basis for issuing an order, guideline, or directive by the State Board shall carry a presumption of reasonableness and of serving the public interest.

(b) Orders, guidelines, and directives issued under this section are not rules under the provisions of Chapter 150B of the General Statutes and that Chapter shall not apply

to them. Orders, guidelines, and directives issued under this section shall, however, be published in the North Carolina Register as quickly as possible.

(c) The orders, guidelines, and directives shall provide for candidate filing to open as soon as practicable after preclearance of a plan is obtained.

(d) Any temporary orders, guidelines, and directives issued by the State Board under this section shall become null and void 10 days after the final certification of all elections that were originally scheduled to be held in 2002.

(e) This section expires 10 days after the final certification of all elections that were originally scheduled to be held in 2002."

SECTION 2. Article 6A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-30.9J. Judicial orders.**

The Attorney General of North Carolina shall submit to the Attorney General of the United States within five days of the time they become effective all judicial orders that amend, delete, add to, modify, or repeal any law or other judicial order which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

SECTION 3. Section 4 of S.L. 1999-268, as amended by Section 3 of S.L. 2001-217, reads as rewritten:

"Section 4. The amendment set out in Section 3 of this act shall be submitted to the qualified voters of the State at the ~~next statewide primary election,~~ statewide general election in 2002, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

'[ ] FOR [ ] AGAINST

Constitutional amendment making a technical correction to allow dedication and acceptance of property into the State Nature and Historic Preserve by the General Assembly by enactment of a bill rather than a joint resolution.' "

SECTION 4. If any members of any county board of education are elected at the primary election and take office under a local act in July after the primary, in 2002 only, they shall instead take office on the same day in the second month after the primary, and the terms of any such member which would otherwise expire in July of 2002 are extended accordingly.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 2002

S D

SENATE BILL 2

Redistricting Committee Substitute Adopted 5/15/02
Third Edition Engrossed 5/16/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S2-CSLB-128 [v.1]

5/17/2002 2:40:53 PM

Short Title: 2002 Primary Scheduling. (Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-22.4. Power of State Board to issue temporary orders, guidelines, and directives as to the 2002 primary and elections.**

(a) Only for the 2002 primary and 2002 general elections, the State Board of Elections may issue temporary orders, guidelines, and directives that may change, modify, delete, amend, or add to any statute contained in Chapter 163 of the General Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or any other election regulation or guideline that may affect the 2002 primaries and general elections. The orders, guidelines, and directives may provide that not withstanding G.S. 163-111, in 2002 only, the result of the primary shall be determined by a plurality and no second primary shall be held. The authority granted by this section shall be exercised only when needed to ensure the orderly and timely operations of the electoral process, the public good, and any valid interest of voters, candidates, and officeholders in order to accommodate the compressed schedule necessitated by delays in holding the primary elections. This authority also extends to any elections originally scheduled to be held on May 7, 2002 or on the date of the second primary. The determination of the valid basis for issuing an order, guideline, or directive by the State Board shall carry a presumption of reasonableness and of serving the public interest.

(b) Orders, guidelines, and directives issued under this section are not rules under the provisions of Chapter 150B of the General Statutes and that Chapter shall not apply to them. Orders, guidelines, and directives issued under this section shall, however, be published in the North Carolina Register as quickly as possible.

(c) The orders, guidelines, and directives shall provide for candidate filing to open as soon as practicable after preclearance of a plan is obtained.

(d) Any temporary orders, guidelines, and directives issued by the State Board under this section shall become null and void 10 days after the final certification of all elections that were originally scheduled to be held in 2002.

(e) This section expires 10 days after the final certification of all elections that were originally scheduled to be held in 2002."

SECTION 2. Article 6A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-30.9J. Judicial orders.**

The Attorney General of North Carolina shall submit to the Attorney General of the United States within five days of the time they become effective all judicial orders that amend, delete, add to, modify, or repeal any law or other judicial order which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

SECTION 3. If any members of any county board of education are elected at the primary election and take office under a local act in July after the primary, in 2002 only, they shall instead take office on the same day in the second month after the primary, and the terms of any such member which would otherwise expire in July of 2002 are extended accordingly.

SECTION 4. This act is effective when it becomes law.

EXTRA SESSION 2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 2 A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY 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 the 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 2002

H

HOUSE BILL 3

Short Title:	2002 Primary Scheduling.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 2002

H D

HOUSE BILL 3
PROPOSED COMMITTEE SUBSTITUTE H3-CSLB-127 [v.1]

5/17/2002 2:36:53 PM

Short Title: 2002 Primary Scheduling-2 (Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO DEFER UNTIL THE GENERAL ELECTION THE VOTE ON A CONSTITUTIONAL AMENDMENT THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 1999-268, as amended by Section 3 of S.L. 2001-217, reads as rewritten:

"Section 4. The amendment set out in Section 3 of this act shall be submitted to the qualified voters of the State at the ~~next statewide primary election,~~ statewide general election in 2002, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

'[ ] FOR [ ] AGAINST

Constitutional amendment making a technical correction to allow dedication and acceptance of property into the State Nature and Historic Preserve by the General Assembly by enactment of a bill rather than a joint resolution.' "

SECTION 2. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 3 A BILL TO BE ENTITLED AN ACT AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY 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 the committee substitute bill, ☒ which changes the title, unfavorable as to the 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)

5/13/02

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
June 5, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 1490 –SECURE LOCAL REVENUES

ADJOURNMENT

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

June 5, 2002

The Committee on Rules, Calendar and Regulations of the House met on June 5, 2002 at 8:35 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre; Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, Rogers, Setzer, Sherrill, Willingham, Yongue and ex officio member Baddour.

The following bill was considered:

HOUSE BILL 1490 – AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR. Principal introducers of the bill were Representatives Gibson, Goodwin, Baddour and Gray who were recognized and spoke briefly on the bill. Trina Griffin, staff attorney, was then recognized to explain the bill. She referred to a bill analysis, a copy of which is attached. Speaking in favor of the bill were Ellis Hankins, Executive Director of the North Carolina League of Municipalities; Ron Aycock representing the NC Association of County Commissioners; Inc.; and Alice Garland representing ElectriCities of NC, Inc. Representative Jarrell commented that she wanted to know the Governor's position on the bill. The chairman then recognized Franklin Freeman, Legislative Liaison for the Governor, who stated that the bill is acceptable to the Governor as opposed to a constitutional amendment which, he said, is also being considered. The Governor does ask that a period be placed after the word "period" on line 24, page 3, and the rest of the sentence be deleted. He also asks that beginning this year all of the $330 million reimbursements from repeal of the intangibles tax no longer be appropriated to local governments but that they become part of solving the budget crisis. He further stated that local governments have urged a one-half cent local option tax for many years, and he would suggest that this concept be incorporated into this bill. Following further discussion, Representative Buchanan made a motion that the bill be given a favorable report and be re-referred to the Committee on Finance. The motion carried.

There being no further business, the meeting adjourned at 9:30 a.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 1490

Short Title:	Secure Local Revenues.	(Public)
Sponsors:	Representatives Gibson, Goodwin, Baddour, Gray (Primary Sponsors); Allen, Allred, Baker, Barbee, Barefoot, Barnhart, Bell, Blust, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, Cox, M. Crawford, Creech, Culp, Cunningham, Decker, Esposito, Fox, Gillespie, Gulley, Hackney, Hall, Harrington, Hiatt, Hilton, Holliman, Hurley, Insko, Jeffus, Johnson, Justus, Kiser, Lucas, Luebke, McComas, McCombs, McLawhorn, McMahan, Morris, Nesbitt, Nye, Owens, Pope, Preston, Rayfield, Redwine, Saunders, Sherrill, Shubert, Smith, Starnes, Thompson, Tucker, Underhill, Wainwright, Walend, Walker, Warner, Warren, Warwick, Weiss, C. Wilson, G. Wilson, and Yongue.	
Referred to:	Rules, Calendar, and Operations of the House.	

May 30, 2002

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-113.82(d) reads as rewritten:

"(d) Time. – The revenue shall be distributed to cities and counties within 60 days after March 31 of each year. The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution."

SECTION 2. G.S. 105-116.1(b) reads as rewritten:

"(b) Distribution. – The Secretary must distribute to the cities part of the taxes collected under this Article on electric power companies. Each city's share for a calendar quarter is the percentage distribution amount for that city for that quarter minus one-fourth of the city's hold-back amount and one-fourth of the city's proportionate share of the annual cost to the Department of administering the distribution. The Secretary must make the distribution within 75 days after the end of each calendar quarter. The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution."

SECTION 3. G.S. 105-187.44(b) reads as rewritten:

"(b) Distribution. – Within 75 days after the end of each calendar quarter, the Secretary must distribute to the cities part of the tax proceeds collected under this Article during that quarter. The amount to be distributed to a city is one-half of the amount of tax attributable to that city for that quarter under subsection (a) of this section. The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution."

SECTION 4. G.S. 105-164.44F is amended by adding a new subsection to read:

"(f) Nature. – The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution."

SECTION 5. G.S. 136-41.1 is amended by adding a new subsection to read:

"(d) Nature. – The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution."

SECTION 6. G.S. 143-25 reads as rewritten:

"**§ 143-25. Maintenance appropriations dependent upon adequacy of revenues to support them.**

(a) All maintenance appropriations now or hereafter made are hereby declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named herein if necessary and then only in the event the aggregate revenues collected and available during each fiscal year of the biennium for which such appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the total sum of all appropriations bears to the total amount of revenue available in each of said fiscal years. ~~The~~ Except as provided in subsection (b) of this section, the Director of the Budget is ~~hereby~~ given full power and authority to examine and survey the progress of the collection of the revenue out of which such appropriations are to be made, and to declare and determine the amounts that can be, during each quarter of each of the fiscal years of the biennium properly allocated to each respective appropriation. In making such examination and survey, ~~he~~ the Director of the Budget shall receive estimates of the prospective collection of revenues from the Secretary of Revenue and every other revenue collecting agency of the State. The Director of the Budget may reduce all of said appropriations pro rata when necessary to prevent an overdraft or deficit to the fiscal period for which such appropriations are made. The Governor may also reduce all of said appropriations pursuant to Article III, Section 5(3) of the Constitution in accordance with subsection (b) of this section, after consulting with the Joint Legislative Commission on Governmental Operations under G.S. 120-76(8) if prior consultation is required by that section. The purpose and policy

of this Article are to provide and insure that there shall be no overdraft or deficit in the general fund of the State at the end of the fiscal period, growing out of appropriations for maintenance and the Director of the Budget is directed and required to so administer this Article as to prevent any such overdraft or deficit. Prior to taking any action under this section to reduce appropriations pro rata, the Governor may consult with the Advisory Budget Commission.

(b) The General Assembly recognizes that it has required units of local government to adopt and maintain annual balanced budgets and take other steps to assure financially sound operations under the Local Government Budget and Fiscal Control Act and other provisions of Chapter 159 of the General Statutes. Accordingly, the General Assembly finds that in order to satisfy those statutory requirements and provide adequate services to their citizens, units of local government must be able to rely on the funds and local revenue sources the General Assembly has provided.

It is the intent of the General Assembly that funds that have been collected by the State on behalf of local governments and funds that the General Assembly has appropriated or otherwise committed to local governments shall not be reduced except as provided in this section. In exercising the powers contained in Section 5(3) of Article III of the Constitution, the Governor shall not withhold from distribution funds that have been collected by the State on behalf of local governments or funds that the General Assembly has appropriated or otherwise committed to local governments unless, after making adequate provision for the prompt payment of principal of and interest on bonds and notes of the State according to their terms, the Governor has exhausted all other sources of revenue of the State including surplus remaining in the treasury at the beginning of the fiscal period and has been authorized to withhold the funds by an act of the General Assembly.

This subsection does not authorize the Governor to withhold revenues from taxes levied by units of local governments and collected by the State. The General Assembly recognizes that under Section 19 of Article I of the North Carolina Constitution and under the Due Process Clause of the United States Constitution, the State is prohibited from taking local tax revenue."

SECTION 7. This act is effective when it becomes law.

HOUSE BILL 1490:
Secure Local Revenues

BILL ANALYSIS

Committee:	House Rules	**Introduced by:**	Reps. Gibson, Goodwin, Baddour, and Gray
Date:	June 5, 2002		
Version:	1st Edition	**Summary by:**	Trina Griffin Staff Attorney

SUMMARY: ***House Bill 1490 amends several of the various tax statutes that authorize distributions to local governments by providing that local revenues may not be withheld or impounded by the Governor. The act is effective when it becomes law.***

BILL ANALYSIS: House Bill 1490 amends several of the various statutes that authorize a distribution of tax revenue to local governments by specifying that the revenue distributed is a "local revenue" and not a "State expenditure" for the purpose of Section 5(3) of Article III of the Constitution. Arguably, since the Constitution authorizes the Governor to reduce only "State expenditures," the classification of the state-shared tax revenues as "local revenues" prohibits the Governor from reducing or withholding the distribution. Moreover, these tax-sharing statutes are further amended to expressly state that the Governor may not reduce or withhold these distributions.

Sections 1 through 5 of the bill amend the following tax provisions by characterizing the distribution as a "local revenue" rather than a "State expenditure" for purposes of interpreting Section 5(3) of Article III of the Constitution:

Section 1 - Beer and wine tax revenue.

Section 2 - Franchise gross receipts tax revenue.

Section 3 - Piped natural gas tax revenue.

Section 4 - Sales tax on telecommunications revenue.

Section 5 - Powell Bill funds.

Section 6 of the bill amends the Executive Budget Act by limiting the Governor's authority to withhold from distribution funds that the General Assembly has appropriated or otherwise committed to local governments. The Governor may do so only if, after making adequate provision for the prompt payment of principal of and interest on bonds and notes of the State:

(1) He has exhausted all other sources of revenue of the State including surplus remaining in the treasury at the beginning of the fiscal period; and

(2) He has been authorized to withhold the funds by an act of the General Assembly.

Based on the current information available, including the recent Attorney General's opinion (*see IV. below)*, it is unclear whether amending the above-referenced statutes would be effective in preventing the Governor from withholding these funds from local governments. If the Governor withheld the funds despite the enactment of this legislation, enforcement of this limitation on the Governor's authority may have to be resolved by a court. The surest way to secure local revenues would be to pass a constitutional amendment prohibiting the Governor from withholding these funds.

CURRENT LAW & BACKGROUND:

I. **Sources of Local Revenue** – One way that the State provides financial aid to local governments in through reimbursement programs and shared tax revenues.

A. *Local Government Reimbursements* – State reimbursements are amounts distributed to local units to compensate them for revenue lost as the result of the removal by the General Assembly of property from the local sales and use tax base, the property tax base, or the intangibles tax base. The reimbursement programs include reimbursements for the repeal of the property tax on inventories and on poultry and livestock, the repeal of the intangibles tax, the homestead exemption from property tax, and the repeal of local sales and use taxes on food purchased with food stamps. Section 34.15 of the Appropriations Act of 2001 (S.L. 2001-424, Section 34.15) repeals all of the State reimbursement payments to local governments in exchange for granting local governments the authority to levy an additional ½-cent sales tax, effective beginning with the 2003-2004 fiscal year.

B. *Shared Tax Revenues* - The State also shares a portion of certain tax revenues with local governments. The distribution formulas and any applicable restrictions on the use of the funds for each of the shared tax revenues are set out in the statutes. The shared revenues include the levy of the following taxes:

- Beer and wine taxes[1]
- Franchise gross receipts tax[2]
- Piped natural gas tax[3]
- Sales tax on communications[4]
- Powell bill funds[5]

II. **Withholding of Certain Local Revenues by the Governor** - For the last two years, the Governor has withheld reimbursement funds from local governments, and he has recommended suspending additional reimbursement funds for fiscal year 2002-2003 as well. Specifically, in fiscal year 2000-2001 the Governor placed in escrow $95 million of inventory tax reimbursement funds, representing one-half of the total annual payment, in anticipation of a budget shortfall. These funds were later released, however, to local governments. In fiscal year 2001-2002, the Governor again withheld $95 million in inventory tax reimbursement funds plus $114 million in state-shared taxes and the homestead

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[1] Cities and counties in which beer and wine may be sold receive a portion of the State excise tax levied on beer and wine. They receive a percentage of the net amount of excise taxes collected, and the percentage depends on the type of beverage sold: 23 ¾% for beer, 62% for unfortified wine, and 22% for fortified wine. The local governments that share in the proceeds do so on a per capita basis, with counties receiving credit for their nonmunicipal population only.

[2] The State levies a gross receipts tax on electric power companies at a rate of 3.22%. From these proceeds, each city or town is entitled to an amount equal to the proceeds of a tax of 3.09% of gross receipts arising from sales within that city or town.

[3] The State levies an excise tax on piped natural gas, and the rate is based on the monthly volume of natural gas received by the final user. The rate decreases as the amount of therms of piped gas consumed in a month increases. Cities receive 50% of the proceeds of the tax attributable to that city.

[4] The State imposes a 6% sales tax on telecommunications. The cities receive 18.26% of the net proceeds of the taxes collected minus a "freeze deduction" amount totaling $2,620,948.

[5] North Carolina's state gasoline tax is 17 ½ cents per gallon, plus the greater of 7% of the average wholesale price or 3.5 cents per gallon. Of this, an amount equal to the proceeds of 1.75 cents per gallon plus an additional 6.5 percent of the net proceeds of the North Carolina Highway Trust Fund is distributed among North Carolina's cities and towns. The legislation that first established this distribution system is known as the *Powell* Bill, after its principal sponsor, and the moneys distributed to the cities and towns are generally known as Powell Bill funds. The use of these funds by municipalities is restricted to maintaining, repairing, constructing, reconstructing or widening streets, sidewalks, bridges, curbs and gutters, bikeways, and other necessary appurtenances within the corporate limits of the municipality.

reimbursement in order to balance the budget as of June 30, 2002. For fiscal year 2002-2003, the Governor has proposed suspending $333.4 million in local government reimbursements, including reimbursements for the intangibles tax, the inventory tax, the sales and use tax on food purchased with food stamps, and the homestead exemption.

III. **Constitutional Authority to Withhold Funds** - By withholding these funds despite the statutory directive to distribute the funds to local governments, the Governor has invoked his constitutional authority pursuant to Section 5(3) of Article III of the North Carolina Constitution to balance the budget. Section 5(3) of Article III of the North Carolina Constitution sets out the Governor's budgetary duties. Specifically, it directs the Governor to prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. Furthermore, it provides that the State may not operate at a deficit during the fiscal period covered by a budget. To insure that the State does not incur a deficit, the Constitution requires the Governor to continually survey the collection of revenue. If, as a result of his surveys, he determines that actual receipts for the fiscal period, when added to the surplus remaining in the State Treasury will not be sufficient to pay budgeted expenditures, the Governor must effect the necessary economies in State expenditures to keep the deficit from occurring. Arguably, the distribution of monies to local governments is a "State expenditure," and the Governor's constitutional obligation to maintain a balanced budget overrides the statutory directive to distribute the funds.

IV. **Attorney General Opinion** – While the Attorney General has not issued an opinion specifically addressing the Governor's authority to withhold local government reimbursement money or shared tax revenue, the Attorney General has recently issued an advisory opinion regarding the transfer of money from the Wireless Emergency Telephone System Fund to the General Fund in a budget emergency.[6] The Wireless Fund is funded by the levy of a fee on the bills of wireless telephone consumers. The Wireless 911 Board administers the Fund, and is required to deposit all revenues derived from the service charge into a separate fund established with the State Treasurer. Generally, the Fund is used to provide enhanced 911 service to wireless customers. In the opinion, the Attorney General concluded that the Governor's authority to transfer funds from the Wireless Fund to an escrow account to avoid a budget deficit is "necessarily implied from his constitutional duty to balance the budget and from his statutory duty to supervise the funds of all State agencies." He further concluded that the "statutory limitation on the use of funds necessarily must yield to the Governor's constitutional obligation to balance the budget." The opinion did not address whether the monies in the Wireless Fund were a "State expenditure" for purposes of Section 5(3) of Article III of the Constitution, but it did clarify that the Governor's authority is not diminished by the fact that the funds are revenues from fees and not budget allocations made by the General Assembly.

[6] N.C. Att'y Gen. Op. Ref. 503, dated June 29, 2001.

VISITOR REGISTRATION SHEET

Rules
Name of Committee

6/5/2002
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID M. BARNES	Poyner + Spruill LLP
Jeff Morse	Town of Raeford
Jimmy Dunn	SBE
Andy Romanet	NCLM
Brian Francis	Mecklenburg County
Boyd Cauble	City of Charlotte
Rick Bessley	City of Conover
Carrs Cover	BPM HL
Katie Mills	Intern for Rep. Culpepper
Katherine Joyce	Electric Cooperatives
Estherene Davis	Electric Cities of NC
Alice Garland	EC
Kim Hibbard	NC League of Municipalities
Ron Aycock	NC Assoc. of Counties
Ellis Hankins	NCLM
Kevin Howell	Office of Governor
Frank Tiegen	" " "
John Rood	NCFPC
Ashley [illegible]	The Capitol Lawyer
Erik Dyer	GSO News & Record
Katie Horter	NC Statewatch
Mark Gleason	Capitol Group
Emily Cook	House Intern, Rep. Crawford
John McKay	Raleigh
Hal Miller	NCAECT

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 1490 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LOCAL REVENUES MAY NOT BE WITHHELD OR IMPOUNDED BY THE GOVERNOR.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

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

June 12, 2002

The Committee on rules, Calendar and Operations of the House met on June 12, 2002, at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Gordon, Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, McMahan, Rogers, Setzer, Sherrill and Yongue.

The following bills were considered:

SENATE JOINT RESOLUTION 1229 – A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH ANNIVERSARY. Representative Weiss was recognized to speak on the resolution. Following her remarks, Representative Justus moved that the resolution be given a favorable report, which motion carried.

HOUSE JOINT RESOLUTION 1522 –A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS. The chairman explained that the adjournment resolution limits matters that can be considered. However, if both houses pass a joint resolution by a two-thirds majority calling for the introduction of a matter that does not follow any of the other specified items, the bill may be introduced. Representative Walend, one of the sponsors, was recognized to explain the joint resolution and a draft of a proposed bill entitled DEFRAUD DRUG OR ALCOHOL SCREENING TESTS. She stated that an on line business to sell urine substitution kits for the purpose of defrauding drug tests was started in 1996 in South Carolina. It was advertised that the substitution kit would allow any urinalysis test to pass within minutes. When South Carolina banned the sale of this product in 1999, the business was moved from Greenville, South Carolina, to Hendersonville, North Carolina. Representative Walend stated that the bill is supported by members of the North Carolina Trucking Association, the North Carolina Manufacturers Association, and North Carolina Citizens for Business and Industry. Jay Chaudhuri, special counsel for the Attorney General, spoke in favor of the bill. Representative Buchanan moved that the joint resolution be given a favorable report, which 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 2001

S 1

SENATE JOINT RESOLUTION 1229*

Sponsors:	Senators Lucas; and Gulley.
Referred to:	Rules and Operations of the Senate.

June 6, 2002

A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH ANNIVERSARY.

Whereas, the Town of Morrisville is the oldest community in Wake County established along the North Carolina Railroad; and

Whereas, the Town was named for Jeremiah Morris, who donated three acres of land to the North Carolina Railroad for a water station, woodshed, and other buildings in 1852; and

Whereas, Jeremiah Morris established the first post office in the Town in March of 1852 and became the Town's first postmaster; and

Whereas, the Town served as a polling place in 1859; and

Whereas, on April 13, 1865, the Town was the site of one of the last battles of the Civil War; and

Whereas, by the 1870s the Town was home to six general stores, several churches, a hotel, and a steam sawmill; and

Whereas, also during this time, the Town supported a cabinetmaker, a lawyer, and four physicians; and

Whereas, the Town was chartered on March 3, 1875; and

Whereas, by the 1880s, the Town's population was 165; and

Whereas, Samuel Horne opened a knitting mill in the Town in 1910; and

Whereas, the Town's charter was repealed in 1933 and rechartered in 1947; and

Whereas, in 1976, the Town purchased the Morrisville Christian Church building which served as the first Town Hall; and

Whereas, the Town's growth and attractiveness is evident from the number of residents who have chosen to make Morrisville their home; and

Whereas, the Town's population was 251 in 1980 and 1,469 in 1990; and

Whereas, the Town currently estimates its population to be 10,315; and

Whereas, the Town should be commended on its 150th anniversary; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of Jeremiah Morris in helping to establish the Town of Morrisville.

SECTION 2. The General Assembly congratulates the Town of Morrisville on its 150th anniversary and encourages the people of this State to participate in activities commemorating this special occasion.

SECTION 3. The Secretary of State shall send a certified copy of this resolution to the Mayor of the Town of Morrisville.

SECTION 4. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.J.R. 1229 A JOINT RESOLUTION HONORING JEREMIAH MORRIS, FOUNDER OF THE TOWN OF MORRISVILLE, ON THE TOWN'S 150TH 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1522

Sponsors:	Representatives Walend, Justus; and Lucas.
Referred to:	Rules, Calendar, and Operations of the House.

June 5, 2002

A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

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

SECTION 1. The 2001 General Assembly, Regular Session 2002, may consider "A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS."

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE DRH7293-LH-176 (02/14)

Short Title:	Defraud Drug/Alcohol Screening Tests.	(Public)
Sponsors:	Representatives Walend and Justus.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-401.20. Defrauding drug and alcohol screening tests; penalty.**

(a) It is unlawful for a person to do any of the following:

(1) Sell, give away, distribute, or market urine in this State or transport urine into this State with the intent of using the urine to defraud a drug or alcohol screening test.

(2) Attempt to foil or defeat a drug or alcohol screening test by the substitution or spiking of a sample or the advertisement of a sample substitution or other spiking device or measure.

(b) It is unlawful for a person to do any of the following:

(1) Adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test.

(2) Possess adulterants that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test.

(3) Sell adulterants that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test.

(c) A violation of this section is punishable as follows:

(1) For a first offense under this section, the person is guilty of a Class 1 misdemeanor.

(2) For a second or subsequent offense under this section, the person is guilty of a Class H felony."

SECTION 2. This act becomes effective December 1, 2002, and applies to offenses committed on or after that date.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1522 A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

VISITOR REGISTRATION SHEET

Rules, Calendar
Name of Committee

6/12/02
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Carl Williams	NCHBA
John Phelps	NCLM
[illegible]	Capitol Group
Kaitlin R Hicks	NC Statute
Brad Krehely	Research - NCGA
Ted Kaplan	Research, NCGA
Jay Chaudhuri	N.C. Attorney Gen's Office
John McMahon	Gen Counsel
Mary Katherine Hackney	Rep. Hackney
Katie Mills	Rep. Culpepper

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
June 25, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 1486 –ROANOKE RIVER BRIDGE NO-WAKE ZONE

HJR 1675 – JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY

SB 712 – DISTRICT JUDGE 8-YEAR TERMS

ADJOURNMENT

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

June 25, 2002

The Committee on Rules, Calendar and Operations of the House met on June 25, 2002 at 5:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barefoot, Barnhart, Buchanan, Culp, Gulley, Hill, Jarrell, Justus, McComas, McCombs, Rogers, Setzer, Sherrill, Thompson, Willingham and Yongue.

The following bills were considered:

HOUSE BILL 1486 –AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY. The chairman stated that the bill was before the committee procedurally, it having been given a favorable report by Local Government II and was re-referred to the Finance Committee. Since the bill did not raise a fee or a tax, it was removed from the Finance Committee and re-referred to this committee so that it can work its way to the calendar. Representative Rogers moved that the bill be reported without prejudice. The motion carried.

HOUSE JOINT RESOLUTION 1675 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. Representative Tucker, sponsor, was recognized to explain the resolution. He stated that the significance of the resolution was that Mr. Johnson helped bring doctors to rural counties. He was also instrumental in funding the Department of Family Medicine in the School of Medicine at the University of North Carolina. , Representative Justus moved that the resolution be given a favorable report. The motion carried.

SENATE BILL 712 – AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES. The chairman stated that he would start discussion on the bill but in deference to the bill sponsor, Senator Rand, who could not meet with the committee, a vote would not be taken at the meeting. Walker Reagan, staff attorney, was recognized to explain the bill. He said that the bill extends the term of district court judges from their current four-year term to an eight year term which is consistent with eight-year terms served by the Justices of the Supreme Court, the Court of Appeals and Superior Court judges. This would put the matter as a constitutional amendment on the ballot at the next general primary election, and if passed, eight-year terms would start for judges elected in the general election in November. Following a discussion, Judge Robert Raynor, a District Court Judge for Wake County, answered questions of the committee and then spoke in favor of the bill. The chairman repeated that a vote would not be taken and adjourned the meeting at 5:30 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1486

Short Title:	Roanoke River Bridge No-Wake Zone.	(Local)
Sponsors:	Representatives Rogers; and Hunter.	
Referred to:	Local Government II.	

May 30, 2002

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. It is unlawful to operate a vessel at greater than no-wake speed on the waters of the Roanoke River within 50 yards of either side of the Highway 17 bridge in Bertie County. No-wake speed is idle speed or a slow speed creating no appreciable wake.

SECTION 2. With regard to marking the no-wake speed zone established in Section 1 of this act, Bertie County or its designee may place and maintain markers in accordance with the Uniform Waterway Marking System and any supplementary standards for that system adopted by the Wildlife Resources Commission. All markers of the no-wake speed zone shall be buoys or floating signs placed in the water or signs placed on pilings and shall be sufficient in number and size so as to give adequate warning of the no-wake speed zone to vessels approaching from various directions.

SECTION 3. This act is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A of the General Statutes.

SECTION 4. Violation of this act is a Class 3 misdemeanor.

SECTION 5. This act applies only to Bertie County.

SECTION 6. This act is effective when it becomes law and is enforceable after markers complying with Section 2 of this act are placed in the water.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 1486 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE IN THE VICINITY OF THE ROANOKE RIVER BRIDGE ON HIGHWAY 17 IN 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE JOINT RESOLUTION 1675

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

June 13, 2002

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Whereas, Hugh Stewart Johnson, Jr. was born on December 12, 1920, in Rose Hill, North Carolina, to Hugh Stewart Johnson, Sr. and Ethel Southerland Johnson; and

Whereas, Hugh Stewart Johnson, Jr. attended Oak Ridge Military Institute in Oak Ridge, North Carolina, and Motte's Business School in Wilmington, North Carolina; and

Whereas, Hugh Stewart Johnson, Jr. was a successful and respected retail hardware merchant; and

Whereas, Hugh Stewart Johnson, Jr. served as a naval aviator for three years in the United States Naval Reserve during World War II and achieved the rank of lieutenant; and

Whereas, Hugh Stewart Johnson, Jr. served as a commissioner of the Town of Rose Hill from 1947 to 1949; and

Whereas, Hugh Stewart Johnson, Jr. was appointed to fill the remainder of Robert M. Carr's term in the North Carolina House of Representatives in 1956; and

Whereas, Hugh Stewart Johnson, Jr. was later elected to the House of Representatives where he served with honor and distinction from 1957 through 1970; and

Whereas, Hugh Stewart Johnson, Jr. had a deep personal interest in health care issues facing North Carolina, especially the shortage of physicians in the rural areas of the State; and

Whereas, Hugh Stewart Johnson, Jr.'s interest and commitment in health care issues led to his being appointed Chair of the Legislative Research Commission on the Physician Shortage in Rural North Carolina in 1967; and

Whereas, under Hugh Stewart Johnson, Jr.'s leadership, the Commission revealed that the physician shortage was national as well as local, that many diverse factors were at play in its identification and interpretation, that many persons and

institutions had a continuing effect on its manifestation and solution, and that the shortage of physicians in rural areas in North Carolina was undeniably entwined in the much larger and more comprehensive problem of sufficient health manpower and adequate means of health services delivery in all parts of the State and nation; and

Whereas, Hugh Stewart Johnson, Jr. was an effective advocate for the passage of legislation to implement the Commission's recommendations, which included funding to the University of North Carolina at Chapel Hill to be used to develop and expand the program and facilities of the School of Medicine and to provide a family medicine professorship; and

Whereas, in subsequent legislation, funds were appropriated to create a Department of Family Medicine in the School of Medicine at the University of North Carolina at Chapel Hill; and

Whereas, as a result of Hugh Stewart Johnson, Jr.'s efforts, there was an increased focus on the shortage of physicians in rural North Carolina that resulted in further studies, including a Legislative Research Commission study in 1969 that conducted a broad and in-depth study of the health manpower needs of North Carolina; and

Whereas, this Commission contributed to the development and expansion of the medical schools at the University of North Carolina at Chapel Hill and East Carolina University and laid the groundwork for the establishment of the Statewide Area Health Education Centers Programs; and

Whereas, Hugh Stewart Johnson, Jr. was active in numerous organizations, including the Ancient Free and Accepted Masons, 32nd Degree; Ancient and Accepted Scottish Rite of Free Masonry; American Legion, Wallace Post No. 156; and Rehobeth Lodge No. 279 A.F. & A.M.; and

Whereas, Hugh Stewart Johnson, Jr. received many special recognitions and awards, including the Man of the Year Award in 1956 from English-Brown Post No. 9161, Veterans of Foreign Wars, Wallace, North Carolina; and

Whereas, Hugh Stewart Johnson, Jr. was well respected and admired by his colleagues and friends; and

Whereas, Hugh Stewart Johnson, Jr. will be remembered for his many contributions to the State of North Carolina; and

Whereas, Hugh Stewart Johnson, Jr. died on October 1, 1974; and

Whereas, Hugh Stewart Johnson, Jr. was a devoted husband to his beloved wife, the former Evelyn Furr, a loving father to his children, Tanya Johnson Shelton, Vann Stewart Johnson, Sara Johnson Brown, Evelyn Johnson DeVane, and Helen Johnson; and

Whereas, it is the desire of the General Assembly to formally recognize Hugh Stewart Johnson, Jr.'s achievements and to pay tribute to his life and service; Now, therefore,

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

SECTION 1. The General Assembly honors the life and memory of Hugh Stewart Johnson, Jr. and expresses appreciation for the service he rendered to Duplin County, the State of North Carolina, and the nation.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the family of Hugh Stewart Johnson, Jr.

SECTION 3. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1675 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HUGH STEWART JOHNSON, JR., 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 712

Short Title:	District Judge 8-Year Terms.	(Public)
Sponsors:	Senators Rand; Ballance, Clodfelter, Cunningham, Dalton, Gulley, Kinnaird, Metcalf, Miller, Reeves, Soles, and Wellons.	
Referred to:	Judiciary I.	

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"**Sec. 10. District Courts.**

The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of ~~four~~ eight years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide primary election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing eight-year terms for District Court Judges."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendments to the Secretary of State. Section 1 applies beginning with District Court Judges elected in the 2002 general election. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. G.S. 7A-140 reads as rewritten:

"Article 14.

"District Judges.

"**§ 7A-140. Number; election; term; qualification; oath.**

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he is to serve at the time of the election for members of the General Assembly. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of ~~four~~ eight years, beginning on the first Monday in December following his election.

Each district judge shall devote his full time to the duties of his office. He shall not practice law during his term, nor shall he during such term be the partner or associate of any person engaged in the practice of law.

Before entering upon his duties, each district judge, in addition to other oaths prescribed by law, shall take the oath of office prescribed for a judge of the General Court of Justice."

SECTION 5. G.S. 163-1 is amended in the table by rewriting the "TERM OF OFFICE" entries for Judges of the District Courts to read: "Eight years".

SECTION 6. Sections 4 and 5 of this act shall take effect only upon approval of the voters of the constitutional amendment set forth in Section 1 of this act. If the constitutional amendment proposed in that section is approved by the voters, Sections 4 and 5 of this act shall become effective at the same time as the constitutional amendment.

SECTION 7. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

Rules
Name of Committee

6/25/02
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JUDGE ROBERT RADER	N.C. ASSOC. OF DISTRICT COURT JUDGES
DAVID M BARNES	Poyner Spruill
Katie Mills	Rep. Culpepper
Laura DeVivo	DENR
Kim Hubbard	NCLM
William Riddick	DOR
Brian Francis	Meck County
Mary Carmilia	REBIC
Anne Dixon	NCAWA

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

July 9, 2002

The Committee on Rules, Calendar and Operations of the House met on July 9, 2002 at 4:00 p.m. in Room 421 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, McMahan, Michaux, Morgan, Setzer, Sherrill, Thompson, Willingham Yongue, and ex officio member Dedmon.

The following bill was considered:

SENATE BILL 712 – AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES. A proposed House committee substitute was offered, and Representative Morgan moved for its adoption for purposes of discussion. Without objection, it was so ordered. Senator Rand, sponsor, was recognized to present the bill. He stated that the bill would give district court judges the same term as other judges and would require a constitutional amendment submitted to the people. The chairman reminded the committee that the bill was considered at the last meeting and asked if there were any questions. There were none, and Representative Michaux moved that the proposed House committee substitute be given a favorable report, unfavorable to the original Senate bill. The motion passed.

HOUSE RESOLUTION 1775 – A HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE. Representative Thompson, sponsor, was recognized to explain the resolution. Stating that it was self-explanatory, he moved that the resolution be adopted. The motion carried.

HOUSE BILL 1692 –AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND.. A proposed committee substitute changing the title to AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND was offered, and Representative Gibson, sponsor, was recognized and moved for its adoption. Without objection, it was so ordered. He stated that the bill was time sensitive due to the fact that nine of the seventeen school systems opted out last year from the high priority school requirement and due to the fact

that the budget bill would probably not be passed by the July 15 cut-off date, which is part of the high priority initiative. The bill was given a favorable report by the Education Committee and calendared but was withdrawn and sent to the Appropriations Committee who then re-referred it to the Rules Committee so that Section 3 could be added. Section 3 makes the bill effective only if Senate Bill 1115 (the budget bill) passes. Representative Buchanan moved that the proposed committee substitute be given a favorable report, unfavorable to the original bill.

COMMITTEE SUBSTITUTE TO SENATE BILL 93 – AN ACT TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS. A proposed House committee substitute changing the title to AN ACT AUTHORIZING AN ADVISORY REFERENDUM ON AN EDUCATION LOTTERY FOR NORTH CAROLINA ON NOVEMBER 5, 2002 was offered, and Representative Baddour moved for its adoption for purposes of discussion. The motion carried. The chairman recognized Representative Owens to explain the committee substitute. He stated that it deals with a non-binding referendum on the lottery. Following his remarks, there was a lengthy discussion. Representative Michaux moved that the House committee substitute be given a favorable report, unfavorable to the Senate committee substitute. A roll call vote was taken, and the motion passed by a vote of 15 to 13.

There being no further business, the meeting adjourned at 6:35 p.m.

Representative ~~Bill~~ Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
July 9
AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 712 – DISTRICT JUDGE 8-YEAR TERMS

HR 1775 – RESOLUTION EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

HB 1692 – HIGH-PRIORITY SCH. PROG. WAIVER CHANGES TITLE/FUND CHANGES

SB 93 – EN BANC PROCEDURE

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 712

Short Title:	District Judge 8-Year Terms.	(Public)
Sponsors:	Senators Rand; Ballance, Clodfelter, Cunningham, Dalton, Gulley, Kinnaird, Metcalf, Miller, Reeves, Soles, and Wellons.	
Referred to:	Judiciary I.	

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"**Sec. 10. District Courts.**

The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of ~~four~~ eight years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide primary election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing eight-year terms for District Court Judges."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendments to the Secretary of State. Section 1 applies beginning with District Court Judges elected in the 2002 general election. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. G.S. 7A-140 reads as rewritten:

"Article 14.

"District Judges.

"**§ 7A-140. Number; election; term; qualification; oath.**

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he is to serve at the time of the election for members of the General Assembly. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of ~~four~~ eight years, beginning on the first Monday in December following his election.

Each district judge shall devote his full time to the duties of his office. He shall not practice law during his term, nor shall he during such term be the partner or associate of any person engaged in the practice of law.

Before entering upon his duties, each district judge, in addition to other oaths prescribed by law, shall take the oath of office prescribed for a judge of the General Court of Justice."

SECTION 5. G.S. 163-1 is amended in the table by rewriting the "TERM OF OFFICE" entries for Judges of the District Courts to read: "Eight years".

SECTION 6. Sections 4 and 5 of this act shall take effect only upon approval of the voters of the constitutional amendment set forth in Section 1 of this act. If the constitutional amendment proposed in that section is approved by the voters, Sections 4 and 5 of this act shall become effective at the same time as the constitutional amendment.

SECTION 7. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 712
PROPOSED HOUSE COMMITTEE SUBSTITUTE S712-PCS8769-SW-83

Short Title: District Judge 8-Year Terms. (Public)

Sponsors:

Referred to:

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"**Sec. 10. District Courts.**

The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of ~~four~~ eight years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide general election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing eight-year terms for District Court Judges, the same as for all other judges of the General Court of Justice."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendments to the Secretary of State. Section 1 applies beginning with District Court Judges elected in the 2002 general election. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. G.S. 7A-140 reads as rewritten:

"Article 14.

"District Judges.

"**§ 7A-140. Number; election; term; qualification; oath.**

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he is to serve at the time of the election for members of the General Assembly. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of ~~four~~ eight years, beginning on the first Monday in December following his election.

Each district judge shall devote his full time to the duties of his office. He shall not practice law during his term, nor shall he during such term be the partner or associate of any person engaged in the practice of law.

Before entering upon his duties, each district judge, in addition to other oaths prescribed by law, shall take the oath of office prescribed for a judge of the General Court of Justice."

SECTION 5. G.S. 163-1 is amended in the table by rewriting the "TERM OF OFFICE" entries for Judges of the District Courts to read: "Eight years".

SECTION 6. Sections 4 and 5 of this act shall take effect only upon approval of the voters of the constitutional amendment set forth in Section 1 of this act. If the constitutional amendment proposed in that section is approved by the voters, Sections 4 and 5 of this act shall become effective at the same time as the constitutional amendment.

SECTION 7. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.B. 712 A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR 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 the House committee substitute bill, unfavorable as to the 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 1775

Sponsors: Representatives Thompson; Alexander, Allen, Allred, Arnold, Baker, Barbee, Barefoot, Barnhart, Black, Blust, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Carpenter, Church, Clary, Coates, Cole, M. Crawford, Creech, Culp, Davis, Decker, Dedmon, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Gulley, Harrington, Hilton, Holmes, Howard, Jarrell, Jeffus, Johnson, Justus, Kiser, Lucas, McComas, McLawhorn, Mitchell, Morgan, Morris, Nye, Pope, Preston, Rayfield, Russell, Setzer, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Underhill, Walend, Walker, Warner, Warren, Warwick, Weatherly, Weiss, West, C. Wilson, and G. Wilson.

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

June 27, 2002

A HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE.

Whereas, this country was founded on religious freedom by founders, many of whom were deeply religious; and

Whereas, the First Amendment to the Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the government establishing a religion; and

Whereas, the Pledge of Allegiance was written by Francis Bellamy, a Baptist Minister, and first published in the September 8, 1892, issue of the Youth's Companion; and

Whereas, Congress in 1954 added the words "under God" to the Pledge of Allegiance; and

Whereas, the Pledge of Allegiance has for almost 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all;" and

Whereas, the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance; and

Whereas, this House of Representatives believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism; and

Whereas, House Rule 2 provides that at the convening hour on the first day of each legislative week, the Speaker or his designee, shall lead the members in the Pledge of Allegiance to the American Flag; and

Whereas, patriotic songs, engravings on U.S. legal tender, engravings on federal buildings also contain general references to "God"; and

Whereas, in accordance with decisions of the U.S. Supreme Court, public school students cannot be forced to recite the Pledge of Allegiance without violating their First Amendment rights; and

Whereas, the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will rehear the case of Newdow v. U.S. Congress, en banc; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives expresses its collective outrage at the Court of Appeals' decision, urges all appropriate action be taken to reverse this decision, and encourages our Attorney General to file an amicus brief urging reversal.

SECTION 2. This resolution is effective upon adoption.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1775 A HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

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
_____ the House amendment (s).
_____the House committee substitute bill.
____ 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 2001

H

HOUSE BILL 1692

Short Title:	High-Priority Sch. Prog. Waiver/Fund Savings.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Education.	

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 29.6(c) of S.L. 2001-424 reads as rewritten:

"**SECTION 29.6.(c)** If a local board of education determines that the local school administrative unit is unable to implement the class-size limitation in accordance with this section for any high-priority school located in the unit, the local board may request a waiver for the school for the 2001-2002 school ~~year.~~year and for the 2002-2003 school year. The request shall include the documentation required in G.S. 115C-105.26(a). If the State Board grants the waiver, the State Board shall withdraw the additional teacher positions allotted to the local school administrative unit for the school and reinstate the regular allotment for teacher assistants for the school."

SECTION 2. Each waiver granted pursuant to Section 1 of this act will reduce expenditures of State funds at the school by an amount in excess of one hundred thousand dollars ($100,000) for the 2002-2003 fiscal year. The State Board of Education shall use these savings to offset base budget reductions in the State Public School Fund for the 2002-2003 fiscal year.

SECTION 3. This act becomes effective July 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1692
PROPOSED COMMITTEE SUBSTITUTE H1692-PCS4253-LB-142

Short Title: High-Priority Sch. Prog. Waiver/Fund Savings. (Public)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 29.6(c) of S.L. 2001-424 reads as rewritten:

"**SECTION 29.6.(c)** If a local board of education determines that the local school administrative unit is unable to implement the class-size limitation in accordance with this section for any high-priority school located in the unit, the local board may request a waiver for the school for the 2001-2002 school ~~year.~~year and for the 2002-2003 school year. The request shall include the documentation required in G.S. 115C-105.26(a). If the State Board grants the waiver, the State Board shall withdraw the additional teacher positions allotted to the local school administrative unit for the school and reinstate the regular allotment for teacher assistants for the school."

SECTION 2. Each waiver granted pursuant to Section 1 of this act will reduce expenditures of State funds at the school by an amount in excess of one hundred thousand dollars ($100,000) for the 2002-2003 fiscal year. The State Board of Education shall use these savings to offset base budget reductions in the State Public School Fund for the 2002-2003 fiscal year.

SECTION 3. This act becomes effective July 1, 2002, but becomes effective only if Senate Bill 1115, 2001 Session becomes law and either reenacts Section 1 of this act or contains language identical to Section 1 of this act.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 1692 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO GRANT WAIVERS FOR SCHOOLS THAT ARE UNABLE TO IMPLEMENT THE HIGH-PRIORITY SCHOOL PROGRAM FOR THE 2002-2003 FISCAL YEAR AND TO USE FUNDS SAVED AS A RESULT OF THE WAIVERS TO OFFSET BASE BUDGET REDUCTIONS IN THE STATE PUBLIC SCHOOL 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 the committee substitute bill, unfavorable as to the 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 93

Judiciary I Committee Substitute Adopted 4/23/01

Short Title: En Banc Procedure. (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-16 reads as rewritten:

"**§ 7A-16. Creation and organization.**

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

Effective January 1, 1977, the number of judges is increased to 12; and the Governor, on or after July 1, 1977, shall make temporary appointments to the additional

judgeships thus created. The appointees shall serve until January 1, 1979. Their successors shall be elected at the general election for members of the General Assembly in November, 1978, and shall take office on January 1, 1979, to serve the remainder of the unexpired term which began on January 1, 1977.

On or after December 15, 2000, the Governor shall appoint three additional judges to increase the number of judges to 15. Each judgeship shall not become effective until the temporary appointment is made, and each appointee shall serve from the date of qualification until January 1, 2005. Those judges' successors shall be elected in the 2004 general election and shall take office on January 1, 2005, to serve terms expiring December 31, 2012.

The Court of Appeals shall sit in panels of three judges ~~each.~~each and may also sit en banc upon a vote of a majority of the judges of the court. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding judge of the other panel or panels.

~~Three judges shall constitute a quorum for the transaction of the business of the court, except as may be provided in § 7A-32.~~ Except as may be provided in G. S. 7A-32, three judges shall constitute a quorum for the transaction of the business of the court when sitting in panels of three judges, and a majority of the then sitting judges on the Court of Appeals shall constitute a quorum for the transaction of the business of the court when sitting en banc.

In the event the Chief Judge is unable, on account of absence or temporary incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an acting Chief Judge from the other judges of the Court, to temporarily discharge the duties of Chief Judge."

SECTION 2. G.S. 7A-30 reads as rewritten:

"**§ 7A-30. Appeals of right from certain decisions of the Court of Appeals.**

Except as provided in G.S. 7A-28, an appeal lies of right to the Supreme Court from any decision of the Court of Appeals rendered in a case:

(1) Which directly involves a substantial question arising under the Constitution of the United States or of this State, or

(2) In which there is a ~~dissent.~~dissent when the Court of Appeals is sitting in a panel of three judges."

SECTION 3. G.S. 7A-31(a) reads as rewritten:

"(a) In any cause in which appeal is taken to the Court of ~~Appeals,~~ Appeals including any cause heard while the Court of Appeals was sitting en banc, except a cause appealed from the North Carolina Industrial Commission, the North Carolina State Bar pursuant to G.S. 84-28, the Property Tax Commission pursuant to G.S. 105-345, the Board of State Contract Appeals pursuant to G.S. 143-135.9, or the Commissioner of Insurance pursuant to G.S. 58-2-80, or a motion for appropriate relief or valuation of exempt property pursuant to G.S. 7A-28, the Supreme Court may, in its discretion, on motion of any party to the cause or on its own motion, certify the cause

for review by the Supreme Court, either before or after it has been determined by the Court of Appeals. A cause appealed to the Court of Appeals from any of the administrative bodies listed in the preceding sentence may be certified in similar fashion, but only after determination of the cause in the Court of Appeals. The effect of such certification is to transfer the cause from the Court of Appeals to the Supreme Court for review by the Supreme Court. If the cause is certified for transfer to the Supreme Court before its determination in the Court of Appeals, review is not had in the Court of Appeals but the cause is forthwith transferred for review in the first instance by the Supreme Court. If the cause is certified for transfer to the Supreme Court after its determination by the Court of Appeals, the Supreme Court reviews the decision of the Court of Appeals.

Except in motions within the purview of G.S. 7A-28, the State may move for certification for review of any criminal cause, but only after determination of the cause by the Court of Appeals."

SECTION 4. The Supreme Court, in consultation with the Court of Appeals, is respectfully requested to adopt rules of procedure for en banc proceedings in the Court of Appeals.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 93

Judiciary I Committee Substitute Adopted 4/23/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S93-CSLK-27 [v.4]

7/9/2002 2:15:13 PM

Short Title: NC Education Lottery Advisory Referendum (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING AN ADVISORY REFERENDUM ON AN EDUCATION LOTTERY FOR NORTH CAROLINA ON NOVEMBER 5, 2002.

The General Assembly of North Carolina enacts:

SECTION 1. The question of whether the voters of North Carolina want an Education Lottery shall be submitted to the qualified voters of the State at an election on November 5, 2002.

The election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] YES [ ] NO

North Carolina should have an Education Lottery."

SECTION 2. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 93 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the 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)

5/13/02

ROLL CALL VOTE

15 YES 13 NO = _____(TOTAL) HB# ____ SB# 93

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

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Culpepper	✓		Jarrell
___	✓	Hackney	___	✓	Justus
✓	___	Allen	___	✓	Luebke
✓	___	Allred	___	✓	McComas
✓	___	Barefoot	___	✓	McCombs
___	✓	Barnhart	___	✓	McMahan
✓	___	Boyd-McIntyre	✓	___	Michaux
___	✓	Buchanan	___	✓	Morgan
✓	___	Crawford	___	___	Rogers
___	✓	Culp	___	✓	Setzer
___	___	~~Fitch~~	✓	___	Sherrill
✓	___	Gibson	___	✓	Thompson
___	✓	Gulley	✓	___	Yongue
✓	___	Hill	✓	___	Willingham
___	___		✓	___	Baddour
___	___		✓	___	Cunningham
___	___		✓	___	Dedmon
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		Ex officio Members		
___	___		___	___	Speaker Pro Tem
___	___		___	___	Majority Leader
___	___		___	___	Majority Whip

VISITOR REGISTRATION SHEET

Name of Committee — Date: 7/9/02

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marilyn Avery	DHHS / DPH Raleigh
Mary B. Oates	Lee County Schools, Sanford, NC
Jeri Royall	N.C. Family Policy Council
Jamie Lesnett	N.C. Family Policy
John Hunter	NCFPC
Joann Stevens	nursing
Stephen Daniels	NCFPC
Katie Hunter	NC StateWatch
Jim Goodmon	719 Lakestone Drive, Raleigh, N.C
Rev. MARK H. CREECH	CHRISTIAN ACTION LEAGUE, INC.
CHUCK NEALY	CUAC
JOHN SNYDERS	CHAPEL HILL
Barry Smith	Freedom Newspapers
Shanto Iyer	The Charlotte Observer
ERIC DYER	Greensboro News & Record
DALILO	WCT
Sam Watts	NC Center for Public Policy Research
Gary Robertson	AP
George Millsaps	DOA
Molly Freeman	NCAE
Chris Fitzsimon	Common Sense Foundation
John Hood	John Locke Foundation
Paul Chesser	" "
Charles Heatherly	Citizen
Carole Lawler	EGHS
Paula A. Wolf	Covenant w/NC's Children
Meg Jorgensen	
Trish Neely	SBE

VISITOR REGISTRATION SHEET

Name of Committee

7/9/02
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
J Hill	C3a Raleigh, NC
George Reed	N.C Council of Churches
FRED TAYLOR	CWAL-TU
Tom Cooley	UNCTV
Stacy Lamberson	NCHCFA
Mary Jo Horne	NCMS
Conrad Wilson	NCAHA
Percy Harrison	Beaufort NC
John Henning	NC Bar Assc.
BILL BROOKS	NCFAC
LARRY DICK	NCDP
Donna Rosefield	DCR
Jennifer Weiss	NC House
[illegible]	[illegible]
Jonathan Flowers	PPAB
Becky Strait	PPAIB
Sonya Griffin	WTVD

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
July 15, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 2 (EXTRA SESSION) 2002 PRIMARY SCHEDULING

ADJOURNMENT

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

July 15, 2002

The Committee on Rules, Calendar and Operations of the House met on July 15, 2002 at 6:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; HACKNEY, Allen, Allred, Barefoot, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, McMahan, Michaux, Rogers, Setzer, Sherrill, Willingham and ex officio members, Baddour, Cunningham, Dedmon and Earle.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 2 (EXTRA SESSION 2002)– AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT. The Chairman reminded the committee that the bill had been considered at an earlier meeting. A proposed committee substitute changing the title to AN ACT TO SET THE DATE FOR THE 2002 PRIMARY AS SEPTEMBER 10, 2002, TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS, TO PROVIDE THAT IN 2002 ONLY THERE SHALL NOT BE A SECOND PRIMARY, AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT was offered, and Representative Dedmon moved for its adoption. Without objection, it was so ordered. Gerry Cohen, Direction of Bill Drafting, was recognized and using the attached bill summary and analysis, he explained the proposed committee substitute. Following his statements, Representative Hackney offered a technical amendment and moved for its adoption. The motion carried. Discussion and questions of Mr. Cohen followed. Mr. Gary Bartlett, Executive Director of the State Board of Elections, was recognized. In answer to a question by Representative Buchanan he stated that if this legislation passed this week and is precleared by Thursday of this week, the staff's recommendation to the Board would be a Friday to Friday filing period that would open on Friday, July 19, and conclude the following Friday. There was further discussion after which Representative Yongue moved that the amendment be incorporated into a new committee substitute, that the new House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion passed.

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

EXTRA SESSION 2002

S 3

SENATE BILL 2

Redistricting Committee Substitute Adopted 5/15/02
Third Edition Engrossed 5/16/02

Short Title: 2002 Primary Scheduling. (Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-22.4. Power of State Board to issue temporary orders, guidelines, and directives as to the 2002 primary and elections.**

(a) Only for the 2002 primary and 2002 general elections, the State Board of Elections may issue temporary orders, guidelines, and directives that may change, modify, delete, amend, or add to any statute contained in Chapter 163 of the General Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or any other election regulation or guideline that may affect the 2002 primaries and general elections. The orders, guidelines, and directives may provide that not withstanding G.S. 163-111, in 2002 only, the result of the primary shall be determined by a plurality and no second primary shall be held. The authority granted by this section shall be exercised only when needed to ensure the orderly and timely operations of the electoral process, the public good, and any valid interest of voters, candidates, and officeholders in order to accommodate the compressed schedule necessitated by delays in holding the primary elections. This authority also extends to any elections originally scheduled to be held on May 7, 2002 or on the date of the second primary. The determination of the valid basis for issuing an order, guideline, or directive by the State Board shall carry a presumption of reasonableness and of serving the public interest.

(b) Orders, guidelines, and directives issued under this section are not rules under the provisions of Chapter 150B of the General Statutes and that Chapter shall not apply

to them. Orders, guidelines, and directives issued under this section shall, however, be published in the North Carolina Register as quickly as possible.

(c) The orders, guidelines, and directives shall provide for candidate filing to open as soon as practicable after preclearance of a plan is obtained.

(d) Any temporary orders, guidelines, and directives issued by the State Board under this section shall become null and void 10 days after the final certification of all elections that were originally scheduled to be held in 2002.

(e) This section expires 10 days after the final certification of all elections that were originally scheduled to be held in 2002."

SECTION 2. Article 6A of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-30.9J. Judicial orders.**

The Attorney General of North Carolina shall submit to the Attorney General of the United States within five days of the time they become effective all judicial orders that amend, delete, add to, modify, or repeal any law or other judicial order which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

SECTION 3. Section 4 of S.L. 1999-268, as amended by Section 3 of S.L. 2001-217, reads as rewritten:

"Section 4. The amendment set out in Section 3 of this act shall be submitted to the qualified voters of the State at the ~~next statewide primary election,~~ statewide general election in 2002, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

'[ ] FOR [ ] AGAINST

Constitutional amendment making a technical correction to allow dedication and acceptance of property into the State Nature and Historic Preserve by the General Assembly by enactment of a bill rather than a joint resolution.' "

SECTION 4. If any members of any county board of education are elected at the primary election and take office under a local act in July after the primary, in 2002 only, they shall instead take office on the same day in the second month after the primary, and the terms of any such member which would otherwise expire in July of 2002 are extended accordingly.

SECTION 5. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 2002

S D

SENATE BILL 2

Redistricting Committee Substitute Adopted 5/15/02
Third Edition Engrossed 5/16/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S2-PCS4728-LB-148

Short Title: 2002 Primary Scheduling. (Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO SET THE DATE FOR THE 2002 PRIMARY AS SEPTEMBER 10, 2002, TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS, TO PROVIDE THAT IN 2002 ONLY THERE SHALL NOT BE A SECOND PRIMARY, AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding G.S. 163-1(b), the date of the primary election in 2002 shall be September 10, 2002.

SECTION 1.(b) In order to accommodate the scheduling of the 2002 primary on September 10, 2002, and in order to comply with the requirements of Section 5 of the Voting Rights Act of 1965 and any court orders, and in order to comply with any objections interposed under Section 5, the State Board of Elections may issue temporary orders that may change, modify, delete, amend, or add to any statute contained in Chapter 163 of the General Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or any other election regulation or guideline that may affect the 2002 primaries and general elections. These temporary orders are only effective for the 2002 primary and 2002 general election. These orders shall include a primary election schedule.

SECTION 1.(c) Notwithstanding G.S. 163-111 or any local act, in 2002 only, the result of the primary shall be determined by a plurality and no second primary shall be held. Any runoff election for local office that might by local act have been held on the date of the second primary shall instead be held on the date of the general election. If there is a tie in a primary in 2002, the result shall be determined in

accordance with G.S. 163-111(f) under the same rule as if there had been a tie in a second primary.

SECTION 1.(d) The authority to adopt orders also extends to any elections originally scheduled to be held on May 7, 2002, any elections ordered by the State Board of Elections to be held on the date of a county primary that were originally scheduled to be held on May 7, 2002, or any elections to be held on the date of the second primary. If any municipality had its election scheduled under G.S. 160A-23.1(d)(2) to be on the date of the second primary in 2002, the election shall instead be held on the date of the general election in 2002.

SECTION 1.(e) The orders shall provide for candidate filing for member of the State Senate and State House of Representatives to open as soon as practicable.

SECTION 1.(f) The State Board of Elections may set a period of time for unaffiliated candidates who wish to obtain ballot access by petition, under the provisions of G.S. 163-122, for legislative races in districts used in new legislative filings, to obtain and submit signed petitions for such purpose. Any unaffiliated candidate for a legislative seat, in a district used under a previously approved legislative redistricting plan, who had submitted a petition in a timely manner under the provisions of G.S. 163-122, shall have the right under any State Board plan to have any valid voter signatures contained in the previously approved petition, that meet the residency requirements of the new district, to be considered a part of any new petition to obtain ballot access for a legislative seat in that new district.

SECTION 1.(g) The authority granted by this section shall be exercised only when needed to ensure the orderly and timely operations of the electoral process, the public good, and any valid interest of voters, candidates, and officeholders in order to accommodate the compressed schedule necessitated by holding the primary elections at such a late date. All orders of the State Board issued under this section shall be presumed to be reasonable and to serve the public interest.

SECTION 1.(h) Orders issued under this section are not rules subject to the provisions of Chapter 150B of the General Statutes. Orders issued under this section shall, however, be published in the North Carolina Register as quickly as possible.

SECTION 1.(i) The times to publish notice of a bond referendum required by G.S. 159-61(c) shall not apply to any bond referendum held on the date of the 2002 statewide primary. The local government unit holding the bond referendum on that date shall comply with the times to publish notice of the election prescribed by the State Board of Elections pursuant to this section.

SECTION 1.(j) The provisions of G.S. 159-61(b) that provide that a bond referendum may not be held within 30 days before or 10 days after a statewide primary, election, or referendum shall not apply to any bond referendum previously called to be conducted on a date that is within 30 days before or 10 days after the date selected as the date for the 2002 statewide primary.

SECTION 1.(k) As used in this section, "order" also includes guidelines and directives.

SECTION 1.(l) Any orders issued under this section become void 10 days after the final certification of all elections that were originally scheduled to be held in

2002. This section expires 10 days after the final certification of all elections that were originally scheduled to be held in 2002.

SECTION 1.1. Notwithstanding G.S. 163-106(h), any person who filed a notice of candidacy under G.S. 163-106(c) during the filing period in 2002 for an office other than member of the State Senate or member of the State House of Representatives and did not withdraw that notice of candidacy before the filing deadline may not file a notice of candidacy as a member of the State Senate or member of the State House of Representatives unless either of the following applies:

(1) If that person was declared the nominee of the party under G.S. 163-110, that person resigns the nomination (in which case the vacancy in nomination shall be filled in accordance with G.S. 163-114).

(2) If that person is in a contested primary, that person withdraws the notice of candidacy. That notice of candidacy may be withdrawn notwithstanding the requirements of G.S. 163-106(e) that it be withdrawn prior to the filing deadline for that office. In the case of any such withdrawal, the appropriate board of election shall reopen filing for three days under the usual procedures of G.S. 163-112 notwithstanding the time of and reason for the withdrawal.

SECTION 2. If any members of any county board of education are elected at the primary election and take office under a local act in July after the primary, in 2002 only, they shall instead take office on the same day in December after the primary, and the terms of any such member which would otherwise expire in July of 2002 are extended accordingly.

SECTION 3. This act is effective when it becomes law.

SENATE BILL 2(EXTRA SESSION): 2002 Primary Scheduling

BILL ANALYSIS

Committee:	House Rules	**Introduced by:**	Senator Rand
Date:	July 15, 2002	**Summary by:**	William R. Gilkeson and Dianna Jessup Staff Attorneys
Version:	S2-PCS4727-LB-147		

SUMMARY: ***The PCS for Senate Bill 2 would set the 2002 primary for September 10. It would, for 2002 only, eliminate the second primary. And it would prohibit any person from running in the 2002 primaries for more than one office. Beyond those and a few other specifics, the PCS would authorize the State Board of Elections (SBOE) to issue temporary orders, guidelines, and directives to settle dates and other issues concerning the 2002 primaries and elections. Those temporary orders could change, modify, delete, amend or add to existing permanent election law. The orders would have to provide for candidate filing to open as soon as practicable. The orders would not be subject to the Administrative Procedure Act. But the orders could only affect the 2002 election year, and they could be adopted only as necessary to ensure the orderly and timely operations of the electoral process, the public good, and any valid interest of voters, candidates, and officeholders in order to accommodate a compressed election schedule.The act would become effective when it becomes law.***

CURRENT LAW:

Election Schedule. Normally, the primary would occur on the Tuesday after the first Monday in May (May 7 in 2002). The second primary would occur four weeks later (June 4, 2002). The candidate filing period for primaries would have run from the first Monday in January to the first Monday in February (Jan. 7, 2002 to Feb. 4, 2002). Beginning in 2004, this period will be permanently shifted to one that begins the second Monday in February and ends on the last business day in February (Feb. 9, 2004 to Feb. 27, 2004). The law has specific dates for the qualification of unaffiliated candidates, new party candidates, and write-in candidates. It also sets specific dates for absentee voting.

Under a special act ratified last fall, candidate filing was completed March 1, 2002, for all offices to be on the ballot during 2002. Within weeks after that special filing deadline, however, the State House and State Senate districts were held invalid in the State Supreme Court decision of *Stephenson v. Bartlett*. As a result of that decision, Superior Court Judge Knox Jenkins drew interim House and Senate plans for use in the 2002 election. Those plans were precleared last week under Section 5 of the Voting Rights Act.

Rules. Currently, the SBOE is given, under G.S. 163-22.2, authority to adopt rules for any primary or election that is adversely affected by a denial of Voting Rights Act approval or by a court order. But that statute says the rules cannot be in conflict with any statute in Chapter 163 (the Election Law). It further says the rules expire 60 days after the convening of the next regular session of the General Assembly.

Bond Referenda. The Local Government Bond Act (Article 4 of Chapter 159 of the General Statutes) contains specific timing requirements for local bond referenda. It prohibits a referendum 30 days before or 10 days after a statewide primary, election, or referendum. And it requires that two notices of the referendum be published, the first not less than 14 days before the voter registration deadline for the referendum, and the second not less than 7 days before that deadline. Both requirements are in G.S. 159-61. At least the counties of Polk and Edgecombe are concerned that the late primary may make it difficult for them to meet the letter of those requirements.

Dual Candidacies. Under current law, no candidate may file as a primary candidate for more than one office if the offices have the same candidate-filing deadlines. The prohibition does not apply, however, if the filing deadlines are different. (G.S. 163-106(h))

BILL ANALYSIS:

September 10 Primary. The bill sets the primary, for 2002 only, on September 10. *Section 1.(a).*

Temporary Orders. The bill would authorize the SBOE to issue temporary orders, guidelines, and directives to settle dates and other issues concerning the 2002 primaries and elections. These temporary orders could change, modify, delete, amend, or add to the statutes in Chapter 163, the permanent election law, and any rules or other election regulation or guideline. The orders also would not be subject to the Administrative Procedure Act. But the orders could only affect the 2002 election year, and they would have to be necessary to ensure the orderly and timely operations of the electoral process, the public good, and any valid interest of voters, candidates, and officeholders in order to accommodate a compressed election schedule. Both the bill's authority to make orders, and the orders themselves, would expire 10 days after the final certification of all elections originally scheduled to be held in 2002. *Section 1.(b).*

No Second Primary. If the bill were enacted, no second primary would be held. The result of the primary would be determined by a plurality. Runoff elections for local offices that might by local act have been held on the date of the second primary would be held on the date of the general election. *Section 1.(c).*

Reopening of the Filing Period. The bill would require the orders issued by SBOE to provide for candidate filing to open as soon as practicable. *Section 1.(e).*

Use of Previously Collected Valid Voter Signatures by Unaffiliated Candidates. The bill would authorize the SBOE to set a period of time for unaffiliated candidates who wish to obtain ballot access by petition for legislative races in districts used in new legislative filings, to obtain and submit petitions. The bill would give these candidates the right to use valid voter signatures contained in a petition already received and approved by the SBOE to be considered a part of any new petition. If this provision were not enacted, unaffiliated candidates would have to recollect all of the voter signatures previously obtained. *Section 1.(f).*

Municipal Elections. The bill would provide that if any municipality had its election scheduled for the date of the second primary, the 2002 election will be held on the date of the general election. This would apply at least to the City of High Point. *Section 1.(d).*

Bond Referenda. The bill would specify that the rules of the SBOE for the 2002 election year, rather than the notice requirements of G.S. 159-61, would apply to bond referenda held his year. The bill would also make a special 2002 exception to G.S. 159-61 so that a local bond referendum could be held within 30 days before or 10 days after the date selected for the 2002 primary. These provisions would affect counties trying to schedule bond referenda this year. *Section 1.(i), (j).*

Dual Candidacies. The bill would prohibit a person who had filed a candidacy for a non-General Assembly office by March 1, 2002, from filing for a legislative seat unless that person meets one of the following tests:

- Was unopposed by the March 1 filing deadline and therefore was granted the party nomination by default, but then resigns that nomination.
- Was opposed in a primary for the non-legislative office, but withdraws that candidacy in order to run for the legislative seat. Under permanent law, a candidate cannot withdraw a candidacy after the filing deadline but before the primary, but for 2002 that rule would be suspended. For 2002, the withdrawal of a primary candidate for a non-legislative office would result in the reopening of candidate-filing for that office for three days. That is what happens under current law if a primary candidate dies within 30 days after the filing deadline. *Section 1.1.*

County School Boards. The bill would shift forward the dates when certain county school board members take office. The counties of Tyrrell, Davie, Dare, Perquimans, Northampton, Edgecombe, Pender, Lee, and Sampson are affected. Those boards are elected on primary day. *Section 2.*

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 7/15/02

S. B. No. 2 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.)
Sen.)

1 moves to amend the bill on page 2, line 35
2 ( ) WHICH CHANGES THE TITLE
3 by deleting "G.S. 163-22.4." and substituting
4 "this section.".
5
6 Fifth amend on page 2, line 10
7
8 by adding "immediately after the
9
10 word "filing" the words
11 "for member of the State Senate
12 or State House of Representatives"
13
14
15
16
17
18
19

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

EXTRA SESSION 2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

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

☒ Committee Substitute for

S.B. 2 A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS THAT HAD BEEN ON THE 2002 PRIMARY 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 the 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)

5/13/02

VISITOR REGISTRATION SHEET

6:00 P.M.

Rules
Name of Committee

July 15, 2002
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
ERIC DYER	Greensboro News & Record
ALEX WAYNICK	"
Gary Robertson	Associated Press
Michelle Frazier	NC Bar Ass'n
BILL RUSTIN	Assoc Comm Pharmacists
Becki Gray	House Minority Leader's office
Kate Hunt	NC State Wchtr
[illegible]	PC Enviro Defense
[illegible]	NCMBA
[illegible]	[illegible]
Julie Donnelly	NC Public Radio
Martha Glass	NCDAICS
Michael Hauser	The Insider
[illegible]	NCFPC
Suzanne Williams	NCCCS
[illegible]	SBoE
[illegible]	SBE
[illegible]	AG.
[illegible]	CCPS
DAVID BARNES	POYNER + SPRUILL LLP
John Bowdish	Alley Associates Inc
Henry Jones	Attorney - Raleigh
JOHN MCMILLAN	OSBM OFFICE
[illegible]	Bones & Associates
Margaret R. Westbrook	KCLH
[illegible]	
Steve Wall	CCNC

VISITOR REGISTRATION SHEET 6.00p.m.

Rules
Name of Committee

July 15, 2002
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Sara Clarke	Rep. Weiss
Katie Mills	Rep. Culpepper
Mary Katherine Hackney	Rep. Hackney
Alice Garland	EC
Joy Barbour	Concerned Bikers Assoc. / ABATE of N.C.
[illegible]	NC ATA
[illegible]	NCICU
Leanne Winner	NCSBA
Kevin Howell	Gov's Office

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
July 16, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1774 – JOINT RESOLUTION HONORING CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN

SB 46 MONROE PREPARED FOOD TAX

HR 1776 RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS

ADJOURNMENT

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

July 16, 2002

The Committee on Rules, Calendar and Operations of the House met on July 16 2002 at 11:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Barefoot, Barnhart, Buchanan, Culp, Gibson, Gulley, Hill, Justus, McCombs, McMahan, Rogers, Setzer, Sherrill, Willingham Yongue and ex officio members Baddour, Cunningham, Dedmon and Earle.

The following bills were considered:

HOUSE JOINT RESOLUTION 1774 – A JOINT RESOLUTION HONORING THE MEMORY OF CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN, AND EXPRESSING THE BELIEF THAT THE REPUBLIC OF CHINA ON TAIWAN SHOULD BE PERMITTED TO PARTICIPATE IN A MEANINGFUL AND APPROPRIATE WAY IN THE WORLD HEALTH ORGANIZATION. A proposed committee substitute changing the title to A JOINT RESOLUTION HONORING THE MEMORY OF CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN, AND EXPRESSING THE BELIEF THAT THE REPUBLIC OF CHINA ON TAIWAN (ROC) SHOULD BE PERMITTED TO PARTICIPATE IN A MEANINGFUL AND APPROPRIATE WAY IN THE WORLD HEALTH ORGANIZATION. Representative Earle, sponsor, moved for the adoption of the proposed committee substitute. Without objection, it was so ordered. Representative Earle offered an amendment and moved that it be adopted. Without objection, it was so ordered. Representative Earle then spoke on the resolution. Representative Cunningham moved that the amendment be incorporated into a new committee substitute, and that the new committee substitute be given a favorable report, unfavorable to the original joint resolution. The motion carried.

SENATE BILL 46 – AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX. The chairman explained that after the bill came from the Senate it was given a favorable report by the Finance Committee and calendared during the 2001 session. It was not voted on and was re-referred to the Rules Committee. Representative Gibson, was recognized and, speaking on behalf of Senator Plyler, the bill sponsor, requested that the bill be brought up for consideration on a procedural matter. He stated that the city council of the Town of Monroe was re-elected on the basis that they supported a prepared food tax to in order to build a civic center. He asked that the bill be sent back to the floor without prejudice. Representative Shubert was recognized and strongly objected to the bill. Jerry Williams, representing the North Carolina Restaurant Association, also spoke against the bill. Representative Cunningham spoke in favor of the bill and moved that the bill be reported without prejudice. Following a discussion, the motion carried.

HOUSE RESOLUTION 1776 – A HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS. Representative Hill, sponsor, was recognized and sent forth an amendment and moved for its adoption. Without objection, it was so ordered. After his explanation, he moved that the amendment be incorporated into a committee substitute, that the committee substitute be adopted, unfavorable to the original resolution. The motion carried.

There being no further business, the meeting adjourned at 11:25 a.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1774*

Sponsors: Representatives Earle; Mitchell, Adams, Allen, Arnold, Barbee, Barefoot, Barnhart, Bowie, Church, M. Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Dedmon, Dockham, Esposito, Grady, Gulley, Hackney, Haire, Hall, Harrington, Holmes, Insko, Jarrell, Jeffus, Kiser, McCombs, McLawhorn, McMahan, Nye, Owens, Preston, Rayfield, Sexton, Sherrill, Sutton, Teague, Tolson, Wainwright, Walend, Walker, Warner, Weatherly, West, and G. Wilson.

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

June 27, 2002

A JOINT RESOLUTION HONORING THE MEMORY OF CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN, AND EXPRESSING THE BELIEF THAT THE REPUBLIC OF CHINA ON TAIWAN SHOULD BE PERMITTED TO PARTICIPATE IN A MEANINGFUL AND APPROPRIATE WAY IN THE WORLD HEALTH ORGANIZATION.

Whereas, good health is essential to every citizen of the world; and

Whereas, access to the highest standards of health information and services is necessary to improve public health; and

Whereas, direct and unobstructed participation in international health forums and programs is critical, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria; and

Whereas, the World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people; and

Whereas, the Republic of China's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio, and to provide children with hepatitis B vaccinations; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years the Republic of China (ROC) has expressed a willingness to assist financially and technically international aid and health activities supported by the WHO; and

Whereas, ROC's population of twenty-three million is larger than that of seventy-five percent of the WHO member states; and

Whereas, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

Whereas, the United States, in the 1994 Taiwan Policy review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, Taiwan's participation in the WHO could bring many benefits to the state of health not only in Taiwan, but also regionally and globally; Now, therefore,

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

SECTION 1. The General Assembly honors the life and memory of Chiang Ching-kuo, former President of the Republic of China on Taiwan, whose policies helped accelerate democracy in the Republic of China on Taiwan.

SECTION 2. The General Assembly expresses its belief that the Republic of China on Taiwan should be permitted to participate in a meaningful and appropriate way in the World Health Organization.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the World Health Organization.

SECTION 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 1774
PROPOSED COMMITTEE SUBSTITUTE H1774-CSSW-84 [v.3]

7/16/2002 10:38:57 AM

Sponsors:

Referred to:

June 27, 2002

A JOINT RESOLUTION HONORING THE MEMORY OF CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN, AND EXPRESSING THE BELIEF THAT THE REPUBLIC OF CHINA ON TAIWAN (ROC) SHOULD BE PERMITTED TO PARTICIPATE IN A MEANINGFUL AND APPROPRIATE WAY IN THE WORLD HEALTH ORGANIZATION.

Whereas, good health is essential to every citizen of the world; and

Whereas, access to the highest standards of health information and services is necessary to improve public health; and

Whereas, direct and unobstructed participation in international health forums and programs is critical, especially with today's greater potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria; and

Whereas, one of the World Health Organization's (WHO) objectives is to attain the highest possible level of health for all people; and

Whereas, the Republic of China on Taiwan's achievements in the field of health are substantial, including attaining one of the highest life expectancy levels in Asia, achieving maternal and infant mortality rates comparable to those of western countries, eradicating such infectious diseases as cholera, smallpox, and the plague, being the first to eradicate polio, and providing children with hepatitis B vaccinations; and

Whereas, the United States Centers for Disease Control and Prevention and its ROC counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years the ROC has expressed a willingness to assist financially and technically international aid and health activities supported by the WHO; and

Whereas, the ROC's population of twenty-three million is larger than that of seventy-five percent of the WHO member states; and

Whereas, the World Health Assembly of the WHO has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

Whereas, the United States, in the 1994 Taiwan Policy review, declared its intention to support the ROC's participation in appropriate international organizations; and

Whereas, the ROC's participation in the WHO could bring many benefits to the state of health not only in the ROC, but also regionally and globally; Now, therefore,

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

SECTION 1. The General Assembly honors the life and memory of Chiang Ching-kuo, former President of the Republic of China on Taiwan, whose policies helped accelerate democracy in the Republic of China on Taiwan.

SECTION 2. The General Assembly expresses its belief that the Republic of China on Taiwan should be permitted to participate in a meaningful and appropriate way in the World Health Organization.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the World Health Organization.

SECTION 4. This resolution is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1774

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1774-ALG-20 [v.1]

Date _____,2002

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Earle

moves to amend the bill on page 2, line ~~22~~ 17,
by rewriting that line to read:

"resolution to President George W. Bush, Governor Michael F. Easley, the World Health Organization, and Ms. Maggie Tien, Director General of the Taipei Economic and Cultural Office in Atlanta."

SIGNED Beverly Earle
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

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

☐ Committee Substitute for

H.J.R. 1774 A JOINT RESOLUTION HONORING THE MEMORY OF CHIANG CHING-KUO, LATE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN, AND EXPRESSING THE BELIEF THAT THE REPUBLIC OF CHINA ON TAIWAN SHOULD BE PERMITTED TO PARTICIPATE IN A MEANINGFUL AND APPROPRIATE WAY IN THE WORLD HEALTH ORGANIZATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute joint resolution, which changes the title, unfavorable as to the original resolution.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 46

Finance Committee Substitute Adopted 10/2/01

Short Title: Monroe Prepared Food Tax. (Local)

Sponsors:

Referred to:

February 6, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Without Referendum. – If the question of whether to levy a prepared food tax has not been defeated within five years in a referendum held under subsection (b) of this section, the Monroe City Council may, by ordinance after not less than 10 days' public notice and a public hearing held pursuant thereto, levy a prepared food tax of up to one percent (1%) of the sales price of prepared food sold within the City of Monroe at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). This tax is in addition to State and local sales tax.

SECTION 1.(b) After Referendum. – If a majority of those voting in a referendum held pursuant to this subsection vote for the levy of the tax, the Monroe City Council may, by ordinance after not less than 10 days' public notice and a public hearing held pursuant thereto, levy a prepared food tax of up to one percent (1%) of the sales price of prepared food sold within the City of Monroe at retail for consumption on or off the premises by a retailer subject to sales tax under G.S. 105-164.4(a)(1). This tax is in addition to State and local sales tax.

The Monroe City Council may direct the county board of elections to submit to the qualified voters of the city the question of whether to levy a local prepared food tax of one percent (1%) as provided in this section.

The election must be held on a date jointly agreed upon by the board of elections and the city council, and must be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

one percent (1%) local prepared meals tax, in addition to the current local sales and use taxes".

SECTION 1.(c) Definitions; Sales and Use Tax Statutes. – The definitions in G.S. 105-164.3 apply to this section to the extent they are not inconsistent with the provisions of this section. The provisions of Article 5 and Article 9 of Chapter 105 of the General Statutes apply to this section to the extent they are not inconsistent with the provisions of this section.

SECTION 1.(d) Exemptions. – The prepared food tax does not apply to the following sales of prepared food:

(1) Prepared food served to residents in boarding houses and sold together on a periodic basis with rental of a sleeping room or lodging.

(2) Retail sales exempt from taxation under G.S. 105-164.13.

(3) Retail sales through or by means of vending machines.

(4) Prepared food served by a retailer subject to the local occupancy tax if the charge for the meals or prepared food or drink is included in a single, nonitemized sales price together with the charge for rental of a room, lodging, or accommodation furnished by the retailer.

(5) Prepared food furnished without charge by an employer to an employee.

(6) Retail sales by grocers or by grocery sections of supermarkets or other diversified retail establishments, other than sales of prepared food in the delicatessen or similar department of the grocer or grocery section.

(7) Prepared food served on a federal military reservation.

SECTION 1.(e) Collection. – Every retailer subject to the tax levied under this section shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing prepared food. The tax shall be stated separately on the sale document and shall be paid by the purchaser to the retailer as trustee for and on account of the city. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the retailer. The city shall design, print, and furnish to all appropriate businesses and persons in the city the necessary forms for filing returns and instructions to ensure the full collection of the tax.

SECTION 1.(f) Administration. – The city shall administer a tax levied under this section. A tax levied under this section is due and payable to the city's director of finance and administration in monthly installments on or before the 25th day of the month following the month in which the tax accrues. Every retailer liable for the tax shall, on or before the 25th day of each month, prepare and render a return on a form prescribed by the city. The return shall show the total gross receipts derived in the preceding month from sales to which the tax applies.

A return filed with the city's director of finance and administration under this section is not a public record and may not be disclosed except in accordance with G.S. 160A-208.1.

SECTION 1.(g) Refunds. – The city shall refund to a nonprofit or governmental entity the prepared food tax paid by the entity on eligible purchases of prepared food. A nonprofit or governmental entity's purchase of prepared food is

eligible for a refund under this subsection if the entity is entitled to a refund under G.S. 105-164.14(b) or (c) of local sales and use tax paid on the purchase. The time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(b) and (d) apply to refunds to nonprofit entities; the time limitations, application requirements, penalties, and restrictions provided in G.S. 105-164.14(c), (d), and (e) apply to refunds to governmental entities. When an entity applies for a refund of the prepared food tax paid by it on purchases, it must attach to its application a copy of the application submitted to the Department of Revenue under G.S. 105-164.14 for a refund of the sales and use tax on the same purchases. An applicant for a refund under this subsection must provide any information required by the city to substantiate the claim.

SECTION 1.(h) Penalties. – The uniform meals tax penalty provisions of G.S. 160A-214.1 apply to a tax levied under this section.

SECTION 1.(i) Use of Proceeds. – The City of Monroe must use the proceeds of a tax levied under this section for the construction, operation, and maintenance of a civic center, for Downtown Monroe development, and for economic development.

SECTION 1.(j) Effective Date of Levy. – A tax levied under this section shall become effective on the date specified in the ordinance levying the tax. The date must be the first day of a calendar month and may not be before the first day of the fourth month after the date the ordinance is adopted.

SECTION 1.(k) Repeal. – A tax levied under this section may be repealed by an ordinance adopted by the Monroe City Council. Any repeal shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal ordinance is adopted. Repeal of a tax levied under this section does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

SECTION 2. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 46 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 1776

Sponsors: Representatives Hill; and Warwick.

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

July 15, 2002

A HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS.

Whereas, North Carolina's agricultural production is one of the highest in the nation; and

Whereas, North Carolina's transportation infrastructure offers excellent support for agribusiness by way of highway, rail, and ocean delivery systems; and

Whereas, North Carolina's State and county governments have demonstrated strong support for new and expanding commercial enterprises; and

Whereas, North Carolina has historically offered agriculture and businesses an excellent and productive labor force; and

Whereas, biobased and value-added products are rapidly replacing petroleum-based products with fuels, feeds, medicines, and other materials from renewable plant resources that create less pollution, are more biodegradable, and generally have fewer harmful environmental impacts; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives of the State of North Carolina supports business and agency efforts to increase North Carolina's position in utilizing the State's productivity in agriculture and forestry by expanding biobased and value-added products.

SECTION 2. The House of Representatives of the State of North Carolina encourages the North Carolina Department of Agriculture and Consumer Services to take the lead in expanding biobased and value-added production using current crops and fiber and also looking to new production opportunities for the State's farmers.

SECTION 3. The House of Representatives of the State of North Carolina requests that the United States Department of Agriculture provide suitable funding to North Carolina from the 2002 Farm Bill Value-Added Agriculture Product Market Development Grants to assist independent producers, farmer cooperatives, etc., in further refining agricultural commodities and biobased opportunities.

SECTION 4. The Principal Clerk shall send a copy of this resolution to the North Carolina Department of Agriculture and Consumer Services and to the United States Department of Agriculture.

SECTION 5. This resolution is effective upon adoption.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1776

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1776-ASW-65 [v.1]

Date _____,2002

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 1, line 24, by deleting "also looking to" and substituting "exploring"; and
on page 1, line 28, by deleting "etc.," and substituting "and others".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ___✓___ FAILED _____ TABLED _____

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.R. 1776 A HOUSE RESOLUTION RECOGNIZING THE IMPORTANCE TO THE ECONOMY OF THE STATE OF NORTH CAROLINA OF BIOBASED AND VALUE-ADDED AGRIBUSINESS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With recommendation that the committee substitute resolution be adopted, unfavorable as to the original resolution.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

7/16/02
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Bowdish	Alley Assoc.
Omid Nasab	Hunton & Williams
Katie Mills	Rep. Culpepper
Debbie Shuffletter	The Capitol Group
Mary Catherine Hackney	Rep. Hackney
Elizabeth Dalton	Bonner Associates
Katherine Miller	NCASA
Lucinda Pullen	Attorney
David Barnes	Poyner + Spruill LLP
John Phelps	NCLM
[illegible]	NCFOP
Martha Chew	NCDAICS
Ann Wall	OUNS
Paul Stock	NC Bankers Assn.
[illegible]	Gov Offices
[illegible]	NCPSA
[illegible]	SBE
Catherine Davis	Electricities
Diana Williams	Moore & Assoc.
Brian Francis	Meck Cty
Rick Scoggin	Lewis & Woodward
[illegible]	NCRA
Katie Yates	NC State Ways
[illegible]	NCCS
[illegible]	NCFR
Norfleet Pruden	NC Bar Association
Michelle Frazier	NC Bar Ass'n
Barbara Conaker	MF&S

VISITOR REGISTRATION SHEET

Page-2-

Name of Committee

Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Amy Jo Horne	NCMS
Stephanie Marsun	NC Assn. of REALTORS
Susan Markham	Professional Educators of NC
Joy Barbour	Concerned Bikers' Assoc./ABATE of N.C.
Jan Ramquist	NCAFP
Tim Crowley	UNCTV
Tim Minton	NC Home Builders Assn
Claire Flye	Mast Drug
Carole Lawler	EGHS
Courtney Enlow	Intern
Leanne Winner	NCSBA
Molly Freeman	NCAE
Alyson Dunlap	WCA
Aedin	SEANC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
July23, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1526 – JOINT RESOLUTION HONORING LISTON BRYAN RAMSEY, FORMER MEMBER AND SPEAKER OF THE HOUSE

ADJOURNMENT

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

July 23, 2002

The Committee on Rules, Calendar and Operations of the House met on July 23, 2002 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Barefoot, Buchanan, Crawford, Hill, Jarrell, Luebke, McCombs, Rogers, Sherrill and Yongue.

The following bill was considered:

HOUSE JOINT RESOLUTION 1526 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LISTON BRYAN RAMSEY, FORMER MEMBER AND SPEAKER OF THE HOUSE. The chairman announced that Representative Haire, sponsor, was unable to attend the meeting. A technical amendment was offered, and Representative Rogers moved that it be adopted. Without objection, it was so ordered. Representative Sherrill made a motion that the amendment be incorporated into a committee substitute, that the committee substitute be given a favorable report, unfavorable to the original joint resolution, and the motion carried.

There being no further business, the meeting adjourned at 1:05 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1526

Sponsors:	Representatives Haire; Alexander, Barefoot, Bowie, Buchanan, Cox, M. Crawford, Dedmon, Goodwin, Justus, Lucas, Luebke, Smith, Warwick, Weiss, and West.
Referred to:	Rules, Calendar, and Operations of the House.

June 5, 2002

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LISTON BRYAN RAMSEY, FORMER MEMBER AND SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, Liston Bryan Ramsey was born on February 26, 1919, in Madison County, to John Morgan Ramsey and Della Lee Bryan Ramsey; and

Whereas, Liston Ramsey attended the Madison County Schools and Mars Hill College; and

Whereas, Liston Ramsey proudly served our country as a sergeant in the Army Air Corps during World War II, where he saw action in the Pacific Theater; and

Whereas, after the war, Liston Ramsey returned to his beloved Madison County where he greatly contributed to the economic life of his community as a successful merchant; and

Whereas, Liston Ramsey was married to Florence McDevitt and fathered one child; and

Whereas, Liston Ramsey became active in politics in 1948 after winning a seat on the Town of Marshall's Board of Aldermen; and

Whereas, Liston Ramsey served as an alderman for 12 years; and

Whereas, Liston Ramsey served as Chair of the Madison County Democratic Executive Committee from 1958 to 1960 and in 1962; and

Whereas, Liston Ramsey was elected to the North Carolina House of Representatives in 1960; and

Whereas, Liston Ramsey served the people of Madison County and North Carolina for 19 terms in the 1961, 1963, and 1967 through 1999 sessions of the General Assembly, the longest in State history; and

Whereas, Liston Ramsey served as Chair of the Justices and Peace Committee in 1967, Local Government Committee in 1969, House Legislative Redistricting Committee in 1971, Finance Committee in 1973 and 1975, Rules

Committee in 1978 and 1979, State Personnel in 1991, and Financial Institutions in 1993 and 1999; and

Whereas, Liston Ramsey also served as cochair of the Legislative Services Commission, the Legislative Research Commission, and the Joint Legislative Commission on Governmental Operations; and

Whereas, during his tenure in the General Assembly, Liston Ramsey took a special interest in public education and the environment and sought to enact legislation to help rural areas, especially those in the western part of the State; and

Whereas, Liston Ramsey presided as Speaker of the House of Representatives for an unprecedented four terms from 1981 through 1988, making him the most powerful speaker in State history; and

Whereas, Liston Ramsey was admired and respected by his colleagues and other State officials; and

Whereas, Liston Ramsey served as Chair of the 11th Congressional District Democratic Executive Committee in 1972, 1974, 1976, and 1980; and

Whereas, Liston Ramsey gave freely of his time to many local organizations in Madison County, serving as an Elk and a Mason and as a member of the American Legion and Veterans of Foreign Wars; and

Whereas, Liston Ramsey received numerous honors and awards, including the first annual Roy A. Taylor Service Award in 1978, the Distinguished Service Award for Outstanding Alumni from Mars Hill College in 1979, the North Carolina Public Service Award in 1985, the Friend of Education Award from the NCAE in 1985, an honorary doctorate from Mars Hill College in 1988, and a Certificate of Commendation from the Veterans of Foreign Wars in 1989; and

Whereas, Liston Ramsey was a great advocate of Western Carolina University and in 1987, the university named its campus activity center in his honor; and

Whereas, Liston Ramsey died at the age of 82 on September 2, 2001, leaving to cherish his memory his daughter, Martha Ramsey Banks, and two sisters; and

Whereas, Liston Ramsey will be remembered by all who knew him as a man devoted to family, community, and public service; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of Liston Bryan Ramsey and expresses the appreciation and gratitude of this State and its citizens for his life and service to his community and to North Carolina.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Liston Bryan Ramsey for the loss of a dearly loved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Liston Bryan Ramsey.

SECTION 4. This resolution is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1526

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H1526-ARW-56 [v.1]

Date _____,2002

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative

moves to amend the bill on page 1, line 25

by deleting the word "and" and substituting the words "of the".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1526 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LISTON BRYAN RAMSEY, FORMER MEMBER AND SPEAKER OF THE 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 the committee substitute joint resolution, unfavorable as to the original joint resolution.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

7/23/02
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jim Kamagorel	NCATA
Katie Mills	Rep. Culpepper
[illegible]	[illegible]
Jen Royall	NC Family Policy Council
[illegible]	BCBSNC
K Hall	NC Student
Nicole Hare	Explorer Net
Dave Bolinc	"
Courtney Enlows	Intern
Susan Adams	Nationwide

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
July 31, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1462 – JOINT RESOLUTION HONORING DAVID WEBSTER BUMGARDNER, JR., FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY

HB 622 – FIREARM REGULATION AMENDMENTS

HB 644 – TOLL ROAD AND BRIDGE AUTHORITY CREATED

HB 1540 – CAMA RULE DISAPPROVED

ADJOURNMENT

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

July 31, 2002

The Committee on Rules, Calendar and Operations of the House met on July 31, 2002 at 5:25 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allred, Barefoot, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McComas, McCombs, Setzer, Sherrill, Willingham and Yongue.

The following bills were considered:

HOUSE JOINT RESOLUTION 1462 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. Representative Barefoot was recognized to speak on the resolution. Following his remarks, Representative Buchanan moved that the resolution be given a favorable report. The motion carried.

HOUSE BILL 622 – 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; 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. The chairman stated that the bill was back from the Senate for concurrence and recognized Representative Setzer, sponsor, to speak on the bill. Representative Setzer stated that the only change made by the Senate was to clarify Section 1, paragraph (a), by adding paragraph (a1). Representative Justus moved that the committee recommend that the House do concur in the in the Senate committee substitute. The motion carried.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 644 – AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY. Representative Crawford, sponsor, was recognized and stated that the Senate made substantial changes in the House bill and moved that the committee recommend that the House do not concur in the Senate committee substitute, which motion carried.

HOUSE BILL 1540 AN ACT TO DISAPPROVE THE COASTAL AREA MANAGEMENT ACT (CAMA) RULE REGARDING OCEANFRONT SETBACK EXCEPTIONS THAT IS TO BECOME EFFECTIVE AUGUST 1, 2002. Representative Culpepper asked Representative Gibson to preside and that he as sponsor of the bill be recognized to explain the bill. A proposed committee substitute changing the title to AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION was offered. Representative Hill moved that the proposed committee substitute be adopted, and the motion carried. Representative Culpepper was recognized to explain the bill. He stated that the proposed committee substitute disapproves a portion of an amended rule adopted by the Coastal Resources Commission regarding permitted uses of the setback area of oceanfront property. The amended rule prohibits swimming pools and tennis courts in the setback area, and the proposed committee substitute only seeks to disapprove the prohibition of swimming pools. Realtors and homebuilders object to the rule modification because the setback of some lots is as much as 400 feet. The Rules Review Commission of the General Assembly may review rules adopted by the Coastal Resources Commission, and if a rule is disapproved, it does not become an administrative rule. The amended rule is not yet in effect because of the filing of this bill. Mary Price Taylor Harrison, representing the North Carolina Coastal Resources Commission, spoke against the proposed committee substitute. She stated that structures in the oceanfront area create hazards to adjacent property owners during severe storms. She thought that possibly a compromise might be reached to accommodate the larger lots. Representative Culpepper replied that a rule allowing flexibility would be acceptable. Mr. Paul Wilms, Director of Government Affairs for the North Carolina Homebuilders Association, supported the proposed committee substitute and stated that the Department of Environment and Natural Resources has the authority to require the removal of structures in the setback area that are threatened by erosion and are hazardous to adjacent property owners. He objected to the blanket approach of the rule and suggested a more equitable one that would also address the concerns of the Commission. Stephanie Mansur, the Governmental Affairs Director for North Carolina Realtors, was recognized and also supported the proposed committee substitute. Representative Buchanan moved that the proposed committee substitute be given a favorable report, unfavorable to the original bill. The motion passed.

There being no further business, the meeting adjourned a 6:10 p.m.

Representative Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1462

Sponsors: Representative Barefoot.

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

July 19, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Whereas, David W. Bumgardner, Jr. was born on November 2, 1921, in Belmont, North Carolina, to David W. Bumgardner, Sr. and Winnifred Ballard Bumgardner; and

Whereas, David W. Bumgardner, Jr. attended the public schools of Belmont and graduated from Belmont Abbey College and Gupton-Jones College of Mortuary Science; and

Whereas, David W. Bumgardner, Jr. gallantly served in the United States Army during World War II, seeing action in Italy and North Africa; and

Whereas, David W. Bumgardner, Jr. retired as Lieutenant Colonel in the North Carolina National Guard and served as the first commanding officer of the National Guard when it was organized in Belmont; and

Whereas, at his death, David W. Bumgardner, Jr. was retired from funeral service as owner and operator of Bumgardner Funeral Home in Belmont; and

Whereas, David W. Bumgardner, Jr. was a highly respected leader in his profession, having served as the president of the North Carolina Funeral Directors Association; and

Whereas, David W. Bumgardner, Jr. was deeply interested and involved in the political affairs of North Carolina throughout his life, serving with distinction for 11 terms in the North Carolina House of Representatives, representing Gaston and Lincoln Counties from 1967 to 1988; and

Whereas, during his tenure in the General Assembly, David W. Bumgardner, Jr. rendered invaluable service as chairman of the Transportation Committee and the Public Utilities Committee; and

Whereas, David W. Bumgardner, Jr. served the State on many boards and commissions including the Commission for the Study of Local and Ad Valorem Tax

Structure in 1970, the Governmental Evaluation Commission from 1977 to 1981, and the North Carolina Board of Transportation from 1977 to 1982; and

Whereas, David W. Bumgardner, Jr. was a tireless volunteer in many civic, cultural, and charitable causes including the Belmont Kiwanis Club (past President and District Lieutenant Governor), the Masons, the Shriners, American Legion Post 144 (past Commander), and V.F.W. Post 5483 (past Commander); and

Whereas, David W. Bumgardner, Jr. received many awards for his lifetime of selfless service: the first honorary membership in the North Carolina Funeral Directors Association; the George F. Hixson Fellowship of Kiwanis International; the Community Service Award of the American Legion; the Belmont Man of the Year Award; and the Distinguished Service Award, Gupton-Jones College of Mortuary Science; and

Whereas, David W. Bumgardner, Jr. was a longtime member of First Baptist Church of Lincolnton where he served as Deacon, Parliamentarian, Sunday School Superintendent, and Trustee; and

Whereas, David W. Bumgardner, Jr. died on June 21, 2001; and

Whereas, David W. Bumgardner, Jr. was a devoted husband to his beloved wife of 53 years, Sara Margaret Jones Bumgardner; a loving father to his two daughters, Sharon and Mary Jo, and a doting grandfather and great-grandfather; and

Whereas, David W. Bumgardner, Jr. will be remembered for his myriad contributions to the State of North Carolina and her people; and

Whereas, the General Assembly wishes to show its appreciation for his life and accomplishments and to extend its sincere sympathy to his family; Now, therefore,

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

SECTION 1. The General Assembly expresses high esteem and regard for the extraordinary life and service of David Webster Bumgardner, Jr. and mourns the loss of one of North Carolina's most distinguished native sons.

SECTION 2. The General Assembly extends its sincere sympathy to the family of David Webster Bumgardner, Jr. on the loss of a beloved husband, father, grandfather, and friend.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of David Webster Bumgardner, Jr.

SECTION 4. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1462 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID WEBSTER BUMGARDNER, JR., A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 622

Senate Judiciary II Committee Substitute Adopted 7/9/02

Short Title: Firearm Regulation Amendments. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

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; 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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-409.40 reads as rewritten:

"**§ 14-409.40. Statewide uniformity of local regulation.**

(a) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, statewide concern, and that the entire field of regulation of firearms is preempted from regulation by local governments except as provided by this section.

(a1) The General Assembly further declares 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 furthermore, that it is the unlawful use of firearms and ammunition, rather than their lawful design, marketing, manufacture, distribution, sale, or transfer that is the proximate cause of injuries arising from their unlawful use. This subsection applies only to causes of action brought under subsection (g) of this section.

(b) Unless otherwise permitted by statute, no county or municipality, by ordinance, resolution, or other enactment, shall regulate in any manner the possession, ownership, storage, transfer, sale, purchase, licensing, or registration of firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers in handgun components or parts.

(c) Notwithstanding subsection (b) of this section, a county or municipality, by zoning or other ordinance, may regulate or prohibit the sale of firearms at a location only if there is a lawful, general, similar regulation or prohibition of commercial activities at that location. Nothing in this subsection shall restrict the right of a county or municipality to adopt a general zoning plan that prohibits any commercial activity within a fixed distance of a school or other educational institution except with a special use permit issued for a commercial activity found not to pose a danger to the health, safety, or general welfare of persons attending the school or educational institution within the fixed distance.

(d) No county or municipality, by zoning or other ordinance, shall regulate in any manner firearms shows with regulations more stringent than those applying to shows of other types of items.

(e) A county or municipality may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government.

(f) Nothing contained in this section prohibits municipalities or counties from application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas. Nothing contained in this section prohibits municipalities or counties from exercising powers provided by law in declared states of emergency under Article 36A of this Chapter.

(g) The authority to bring suit and the right to recover against any firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association by or on behalf of any governmental unit, created by or pursuant to an act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, injunctive relief, or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public is reserved exclusively to the State. Any action brought by the State pursuant to this section shall be brought by the Attorney General on behalf of the State. This section shall not prohibit a political subdivision or local governmental unit from bringing an action against a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for breach of contract or warranty for defect of materials or workmanship as to firearms or ammunition purchased by the political subdivision or local governmental unit."

SECTION 2. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

SECTION 3. This act is effective when it becomes law and applies to any action pending or filed on or after that date.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 622 A BILL TO BE ENTITLED 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; 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.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☒ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ 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 2001

H 7

HOUSE BILL 644

Committee Substitute Favorable 6/18/01
Committee Substitute # 2 Favorable 8/13/01
Fourth Edition Engrossed 8/16/01
Committee Substitute #3 Favorable 9/27/01
Senate Finance Committee Substitute Adopted 7/2/02
Seventh Edition Engrossed 7/9/02

Short Title: Toll Road and Bridge Authority Created. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 6H.

"Public Toll Roads and Bridges.

"**§ 136-89.180. Legislative findings.**

The General Assembly finds that the existing State road system is becoming increasingly congested and overburdened with traffic in many areas of the State; that the sharp surge of vehicle miles traveled is overwhelming the State's ability to build and pay for adequate road improvements; and that an adequate answer to this challenge will require the State to be innovative and utilize several new approaches to transportation improvements in North Carolina.

Toll funding of highway construction is feasible in North Carolina and can contribute to addressing the critical transportation needs of the State. A toll program can speed the implementation of needed transportation improvements by funding some projects with tolls.

"**§ 136-89.181. Definitions.**

The following definitions apply to this Article:

(1) "Turnpike Authority" means the public agency created by this Article.

(2) "Turnpike Authority Board" means the governing board of the Turnpike Authority.

(3) "Turnpike Project" means a project planned and constructed in accordance with the provisions of this Article that is:

a. A primary or secondary road, bridge, or tunnel project located in whole or in part in a county with a population equal to or greater than six hundred fifty thousand (650,000) persons, according to the latest decennial census.

b. A primary or secondary road, bridge or tunnel project located in a county or counties that each have a population of fewer that six hundred fifty thousand (650,000) persons, according to the latest decennial census.

(4) "Turnpike System" means collectively all Turnpike Projects developed in accordance with the provisions of this Article.

"**§ 136-89.182. North Carolina Turnpike Authority.**

(a) Creation. – There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority". The Authority is constituted as a public agency, and the exercise by the Authority of the powers conferred by this Article in the construction, operation, and maintenance of toll roads and bridges shall be deemed and held to be the performance of an essential governmental function.

(b) Administrative Placement. – The Authority shall be located within the Department of Transportation for administrative purposes but shall exercise all of its powers independently of the Department of Transportation except as otherwise specified in this Article.

(c) Board of Directors. – The North Carolina Turnpike Authority shall be governed by a nine member Board of Directors consisting of three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, two members appointed by the Governor, and the Secretary of Transportation. Each appointing authority shall appoint members who reside in diverse regions of the State. The Chair of the Authority shall be selected by the Board of Directors.

(d) Board of Transportation Members. – No more than two members of the North Carolina Board of Transportation may serve as members of the Authority Board.

(e) Staggered Terms. – Two of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate and the General Assembly upon the recommendation of the Speaker of the House of Representatives, and one initial appointment of the Governor, shall be appointed to terms ending January 14, 2007. One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate and the General Assembly upon the recommendation of the Speaker of the House of Representatives, and one initial appointment of the Governor, shall be appointed to terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex-officio voting member of the Board. Thereafter, at the expiration of

each stipulated term of office, all appointments shall be to a term of four years from the date of the expiration of the term.

(f) Vacancies. – All members of the Authority Board shall remain in office until their successors are appointed and qualified. The original appointing authority may appoint a member to serve out the unexpired term of any member.

(g) Removal of Board Members. – Each member of the Authority Board, notwithstanding subsection (e) of this section, shall serve at the pleasure of the appointing authority. The Chair of the Authority serves at the pleasure of the Authority Board.

(h) Conflicts of Interest, Ethics – Members of the Authority Board shall be subject to provisions of G.S. 136-13, 136-13.1, and 136-14.

(i) Compensation. – The appointed members of the Authority Board shall receive no salary for their services but shall be entitled to receive per diem and travel allowances in accordance with the provisions of G.S. 138-5 and G.S. 138-6 as appropriate.

(j) Bylaws. – The Authority Board shall adopt, change, or amend bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine. Any bylaws, or subsequent changes or amendments to the bylaws, shall be submitted to the Board of Transportation and the Joint Legislative Transportation Oversight Committee for review and comment at least 45 days prior to adoption by the Authority Board.

(k) Executive Director and Administrative Employees. – The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure. The Executive Director shall be the Authority's chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article. The Executive Director or his designee shall appoint, employ, dismiss, and within the limits approved by the Authority Board, fix the compensation of administrative employees as the Executive Director deems necessary to carry out this Article. The Authority shall report the hiring of all administrative employees to the Joint Legislative Transportation Oversight Committee within 30 days of the date of employment.

(l) Office. – The offices of the Authority may be housed in one or more facilities of the Department of Transportation.

"**§ 136-89.183. Powers of the Authority.**

(a) The Authority shall have all of the powers necessary to execute the provisions of this Article including the following:

(1) The powers of a corporate body, including the power to sue and be sued, to make contracts, to adopt and use a common seal, and to alter the adopted seal as needed.

(2) To study, plan, develop, design, establish, purchase, construct, operate, and maintain a Turnpike Project, either on its own initiative or at the request of the Board of Transportation. The Authority shall be limited to planning and developing one turnpike project located in whole or in

part in a county with a population equal to or greater than six hundred fifty thousand (650,000) persons, according to the latest decennial census, and one turnpike project located in a county or counties that each have a population of fewer that six hundred fifty thousand (650,000) persons, according to the latest decennial census.

(3) To rent, lease, purchase, acquire, own, encumber, dispose of, or mortgage real or personal property, including the power to acquire property by eminent domain pursuant to G.S. 136-89.184.

(4) To fix, revise, charge, and collect tolls and fees for the use of the Turnpike Projects. Sixty days prior to the effective date of any toll or fee for use of a Turnpike Facility, the Authority shall submit a description of the proposed toll or fee to the Board of Transportation, the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations for review.

(5) To issue bonds or notes of the Authority as provided in this Article.

(6) To establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with the Turnpike System.

(7) To pay all necessary costs and expenses in the formation, organization, administration, and operation of the Authority.

(8) To apply for, accept, and administer loans and grants of money or real or personal property from any federal agency, from the State or its political subdivisions, local government, or from any other public or private sources available.

(9) To adopt, alter, or repeal its own bylaws or rules implementing the provisions of this Article, in accordance with the review and comment requirements of G.S. 136-89.182(j).

(10) To utilize employees of the Department of Transportation; to contract for the services of consulting engineers, architects, attorneys, real estate counselors, appraisers, and other consultants; to employ administrative staff as may be required in the judgment of the Authority; and to fix and pay fees or compensation to the Department, contractors, and administrative employees from funds available to the Authority.

(11) To receive and use appropriations from the State.

(12) To adopt procedures to govern its procurement of services and delivery of Turnpike Projects.

(13) To perform or procure any portion of services required by the Authority.

(14) To use officers, employees, agents, and facilities of the Department of Transportation for the purposes and upon the terms as may be mutually agreeable.

(15) To contract for the construction, maintenance, and operation of a Turnpike Project.

(16) To enter into partnership agreements, agreements with political subdivisions of the State, and agreements with private entities, and to expend such funds as it deems necessary, pursuant to such agreements, for the purpose of financing the cost of acquiring, constructing, equipping, operating, or maintaining any Turnpike Project.

(b) To execute the powers provided in subsection (a) of this section, the Authority shall determine its policies by majority vote of the members of the Authority present and voting, a quorum having been established. Once a policy is established, the Authority Board shall communicate it to the Executive Director or the Director's designee, who shall have the sole and exclusive authority to execute the policy of the Authority. No member of the Authority Board shall have the responsibility or authority to give operational directives to any employee of the Authority other than the Executive Director or the Director's designee.

"**§ 136-89.184. Acquisition of real property.**

(a) General. – The Authority may acquire public or private real property by purchase, negotiation, gift, or devise, or condemnation that it determines to be necessary and convenient for the construction, expansion, enlargement, extension, improvement, or operation of a Turnpike Project. When the Authority acquires real property owned by the State, the Secretary of the Department of Administration shall execute and deliver to the Authority a deed transferring fee simple title to the property to the Authority.

(b) Condemnation. – To exercise the power of eminent domain, the Authority shall commence a proceeding in its name and shall follow the procedure set forth in Article 9 of Chapter 136 of the General Statutes.

"**§ 136-89.185. Taxation of property of Authority.**

Property owned by the Authority is exempt from taxation in accordance with Section 2 of Article V of the North Carolina Constitution.

"**§ 136-89.186. Audit.**

The operations of the Authority shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

"**§ 136-89.187. Conversion of free highways prohibited.**

The Authority Board is prohibited from converting any segment of the nontolled State highway system to a toll facility.

"**§ 136-89.188. Use of revenues.**

(a) Revenues derived from Turnpike Projects authorized under this Article shall be used only for Authority administration costs; Turnpike Project development, construction, operation, and maintenance; and debt service on the Authority's revenue bonds.

(b) The Authority may use up to one hundred percent (100%) of the revenue derived from a Turnpike Project for debt service on the Authority's revenue bonds or for a combination of debt service and operation and maintenance expenses of the Turnpike Projects.

(c) The Authority shall use not more than five percent (5%) of total revenue derived from all Turnpike Projects for Authority administration costs.

"**§ 136-89.189. Turnpike Authority revenue bonds.**

The Authority shall be a municipality for purposes of Article 5 of Chapter 159 of the General Statutes, the State and Local Government Revenue Bond Act, and may issue revenue bonds pursuant to that Act to pay all or a portion of the cost of a Turnpike Project or to refund any previously issued bonds. In connection with the issuance of revenue bonds, the Authority shall have all powers of a municipality under the State and Local Government Revenue Bond Act, and revenue bonds issued by the Authority shall be entitled to the protection of all provisions of the State and Local Government Revenue Bond Act.

"**§ 136-89.190. Sale of Turnpike Authority revenue bonds.**

Revenue bonds of the Authority issued pursuant to G.S. 136-89.189 and the State and Local Government Revenue Bond Act shall be sold in accordance with and pursuant to Article 7 of Chapter 159 of the General Statutes.

"**§ 136-89.191. Cost participation by Department of Transportation.**

The Department of Transportation may participate in the cost of preconstruction activities, construction, maintenance, or operation of a Turnpike Project.

"**§ 136-89.192. Equity distribution formula.**

Only those funds applied to a Turnpike Project from the State Highway Fund, State Highway Trust Fund, or federal-aid funds that might otherwise be used for other roadway projects within the State, and are otherwise already subject to the distribution formula under G.S. 136-17.2A, shall be included in the distribution formula.

Other revenue from the sale of bonds, project loans, or toll collections shall not be included in the distribution formula.

"**§ 136-89.193. Annual plan of work; annual and quarterly reports.**

(a) Annual Plan of Work. – The Authority shall annually develop a plan of work for the fiscal year, describing the activities and projects to be undertaken, accompanied by a budget. This annual plan of work shall be subject to the concurrence of the Board of Transportation.

(b) Annual Reports. – The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor, the General Assembly, and the Department of Transportation. Each report shall be accompanied by an audit of its books and accounts.

(c) Quarterly Reports. – The Authority shall submit quarterly reports to the Joint Legislative Transportation Oversight Committee. The reports shall summarize the Authority's activities during the quarter and contain any information about the Authority's activities that is requested by the Committee.

(d) Report prior to let of contracts.—The Authority shall consult with and report to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Commission on Governmental Operations prior to the letting of any contract for turnpike project construction.

"**§ 136-89.194. Laws applicable to the Authority; exceptions.**

(a) Motor Vehicle Laws. – The Turnpike System shall be considered a "highway" as defined in G.S. 20-4.01(13) and a "public vehicular area" as defined in G.S. 20-4.01(32). All law enforcement and emergency personnel, including the State

Highway Patrol and the Division of Motor Vehicles, shall have the same powers and duties on the Turnpike System as on any other highway or public vehicular area.

(b) Contracting. – For the purposes of implementing this Article, the Authority shall solicit competitive proposals for the construction of Turnpike Projects in accordance with the provisions of Article 2 of this Chapter. Contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with construction of Turnpike Projects shall be solicited in accordance with procedures utilized by the Department of Transportation.

(c) Alternative Contracting Methods. – Notwithstanding the provisions of subsection (b) of this section, the Authority may authorize the use of alternative contracting methods if:

(1) The authorization applies to an individual project;

(2) The Authority has concluded, and documented in writing, that the alternative contracting method is necessary because the project cannot be completed utilizing the procedures of Article 2 of this Chapter within the necessary time frame or available funding or for other reasons the Authority deems in the public interest;

(3) The Authority has provided, to the extent possible, for the solicitation of competitive proposals prior to awarding a contract; and

(4) The approved alternative contracting method provides for reasonable compliance with the disadvantaged business participation goals of G.S. 136-28.4.

"**§ 136-89.195. Internet report of funds expended.**

The Department shall publish and update annually on its Internet web site a record of all expenditures of the Turnpike Authority for highway construction, maintenance, and administration. The record shall include a total expenditure amount by county. For each Turnpike Project, the record shall include a readily identifiable project name or location, the nature of the project, the amount of the project, the contractor for the project, the date of project letting, and the actual or expected project completion date.

"**§ 136-89.196. Removal of tolls.**

The Authority shall, upon fulfillment of and subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds, remove tolls from a Turnpike Project.

"**§ 136-89.197. Maintenance of nontoll routes.**

The Department shall maintain an alternate, nontoll primary route corresponding to each toll road project constructed pursuant to this Article."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-158.2. Control of vehicles on Turnpike System.**

The North Carolina Turnpike Authority may control vehicles at appropriate places by erecting traffic control devices to collect tolls."

SECTION 3. G.S. 136-176(b) reads as rewritten:

"(b) Funds in the Trust Fund are annually appropriated to the Department of Transportation to be allocated and used as provided in this subsection. A sum, not to

exceed four and one-half percent (4.5%) of the amount of revenue deposited in the Trust Fund under subdivisions (a)(1), (2), and (3) of this section, may be used each fiscal year by the Department for expenses to administer the Trust Fund. Operation and project development costs of the North Carolina Turnpike Authority are eligible administrative expenses under this subsection. Any funds allocated to the Authority pursuant to this subsection shall be repaid by the Authority from its toll revenue as soon as possible, subject to any restrictions included in the agreements entered into by the Authority in connection with the issuance of the Authority's revenue bonds. Beginning one year after the Authority begins collecting tolls on a completed Turnpike Project, interest shall accrue on any unpaid balance owed to the Highway Trust Fund at a rate equal to the State Treasurer's average annual yield on its investment of Highway Trust Fund funds pursuant to G.S. 147-6.1. Interest earned on the unpaid balance shall be deposited in the Highway Trust Fund upon repayment. The rest of the funds in the Trust Fund shall be allocated and used as follows:

(1) Sixty-one and ninety-five hundredths percent (61.95%) to plan, design, and construct the projects of the Intrastate System described in G.S. 136-179 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 projects.

(2) Twenty-five and five hundredths percent (25.05%) to plan, design, and construct the urban loops described in 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.

(3) Six and one-half percent (6.5%) to supplement the appropriation to cities for city streets under G.S. 136-181.

(4) Six and one-half percent (6.5%) for secondary road construction as provided in G.S. 136-182 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 secondary road construction.

The Department must administer funds allocated under subdivisions (1), (2), and (4) of this subsection in a manner that ensures that sufficient funds are available to make the debt service payments on bonds issued under the State Highway Bond Act of 1996 as they become due."

SECTION 4. G.S. 126-5(c1) is amended by adding a new subdivision to read:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(21) Employees of the North Carolina Turnpike Authority."

SECTION 5. G.S. 120-123 is amended by adding a new subdivision to read:

"**§ 120-123. Service by members of the General Assembly on certain boards and commissions.**

No member of the General Assembly may serve on any of the following boards or commissions:

...

(75) The North Carolina Turnpike Authority."

SECTION 6. G.S. 159-81(1) reads as rewritten:

"(1) 'Municipality' means a county, city, town, incorporated village, sanitary district, metropolitan sewerage district, metropolitan water district, county water and sewer district, water and sewer authority, hospital authority, hospital district, parking authority, special airport district, regional public transportation authority, regional transportation authority, regional natural gas district, regional sports authority, airport authority, joint agency created pursuant to Part 1 of Article 20 of Chapter 160A of the General Statutes, ~~and~~ a joint agency authorized by agreement between two cities to operate an airport pursuant to G.S. 63-56, and the North Carolina Turnpike Authority created pursuant to Article 6H of Chapter 136 of the General Statutes, but not any other forms of State or local government."

SECTION 7. G.S. 159-81(3) is rewritten to read:

"(3) 'Revenue bond project' means any undertaking for the acquisition, construction, reconstruction, improvement, enlargement, betterment, or extension of any one or combination of the following revenue-producing utility or public service enterprise facilities or systems owned or leased as lessee by the issuing unit, to be financed through the issuance of revenue bonds, thereby providing funds to pay the costs of the undertaking or to reimburse funds loaned or advanced by the State or a municipality to pay the costs of the undertaking:

a. Water systems or facilities, including all plants, works, instrumentalities and properties used or useful in obtaining, conserving, treating, and distributing water for domestic or industrial use, irrigation, sanitation, fire protection, or any other public or private use.

b. Sewage disposal systems or facilities, including all plants, works, instrumentalities, and properties used or useful in the collection, treatment, purification, or disposal of sewage.

c. Systems or facilities for the generation, production, transmission, or distribution of gas (natural, artificial, or mixed) or electric energy for lighting, heating, or power for public and private uses, where gas systems shall include the purchase and/or lease of natural gas fields and natural gas reserves and the purchase of natural gas supplies, and where any parts of such gas systems may be located either within the State or without.

d. Systems, facilities and equipment for the collection, treatment, or disposal of solid waste.

e. Public transportation systems, facilities, or equipment, including but not limited to bus, truck, ferry, and railroad terminals, depots, trackages, vehicles, and ferries, and mass transit systems.

f. Public parking lots, areas, garages, and other vehicular parking structures and facilities.

g. Aeronautical facilities, including but not limited to airports, terminals, and hangars.

h. Marine facilities, including but not limited to marinas, basins, docks, dry docks, piers, marine railways, wharves, harbors, warehouses, and terminals.

i. Hospitals and other health-related facilities.

j. Public auditoriums, gymnasiums, stadiums, and convention centers.

k. Recreational facilities.

l. In addition to the foregoing, in the case of the State of North Carolina, low-level radioactive waste facilities developed pursuant to Chapter 104G of the General Statutes, hazardous waste facilities developed pursuant to Chapter 130B of the General Statutes, and any other project authorized by the General Assembly.

m. Economic development projects, including the acquisition and development of industrial parks, the acquisition and resale of land suitable for industrial or commercial purposes, and the construction and lease or sale of shell buildings in order to provide employment opportunities for citizens of the municipality.

n. Facilities for the use of any agency or agencies of the government of the United States of America.

o. Structural and natural stormwater and drainage systems of all types.

p. In the case of the North Carolina Turnpike Authority, a Turnpike Project, as defined in G.S. 136-89.181, including the planning and design of a Turnpike Project, that is designated by the Authority to be a revenue bond project.

The cost of an undertaking may include all property, both real and personal and improved and unimproved, plants, works, appurtenances, machinery, equipment, easements, water rights, air rights, franchises, and licenses used or useful in connection with any of the foregoing utilities and enterprises; the cost of demolishing or moving structures from land acquired and the cost of acquiring any lands to which such structures are to be moved; financing charges; the cost of plans, specifications, surveys, and estimates of cost and revenues; administrative and legal expenses; and any other expense necessary or incident to the project."

SECTION 8. G.S. 159-96 is amended by adding a new subsection to read:

"(e) In the case of a Turnpike Project of the North Carolina Turnpike Authority, the project may be located anywhere in the State the Authority is authorized to maintain a Turnpike Project."

SECTION 9. The Authority shall evaluate the feasibility of encouraging mass transit and ridesharing in proposed toll road facilities.

SECTION 10. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Senate Committee Substitute for
H.B. 644 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1540

Short Title:	CAMA Rule Disapproved.	(Public)
Sponsors:	Representatives Culpepper; and Gibson.	
Referred to:	Rules, Calendar, and Operations of the House.	

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE THE COASTAL AREA MANAGEMENT ACT (CAMA) RULE REGARDING OCEANFRONT SETBACK EXCEPTIONS THAT IS TO BECOME EFFECTIVE AUGUST 1, 2002.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b), 15A NCAC 07H .0309, USE STANDARD FOR OCEAN HAZARD AREAS: EXCEPTIONS, adopted by the Division of Coastal Management of the Department of Environment and Natural Resources and approved by the Rules Review Commission on November 15, 2001, is disapproved.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1540
PROPOSED COMMITTEE SUBSTITUTE H1540-PCS4272-RT-99

Short Title: Disapprove CAMA Rule. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO DISAPPROVE AN AMENDMENT TO THE ADMINISTRATIVE RULE "USE STANDARDS FOR OCEAN HAZARD AREAS" ADOPTED BY THE COASTAL RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b), the amendment to 15A NCAC 07H .0309 (Use Standards for Ocean Hazard Areas: Exceptions), as adopted by the Coastal Resources Commission and approved by the Rules Review Commission on 15 November 2001, by which subdivision "(9) swimming pools;" would be deleted from subsection (a) of the rule is disapproved and shall not become effective. The remainder of the amendments to 15A NCAC 7H .0309, as adopted by the Coastal Resources Commission and approved by the Rules Review Commission on 15 November 2001, shall become effective on 1 August 2002.

SECTION 2. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 1540 A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE COASTAL AREA MANAGEMENT ACT (CAMA) RULE REGARDING OCEANFRONT SETBACK EXCEPTIONS THAT IS TO BECOME EFFECTIVE AUGUST 1, 2002.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the committee substitute bill, ☒ which changes the title, unfavorable as to the 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)

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

July 31, 2002
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCMBA
BRUCE THOMPSON	PARKER, POE, ADAMS + BERNSTEIN
[illegible]	[illegible]
Betsy Davis	CCNC
Steve Wall	CCNC
[illegible] Harrison	Beaufort NC
DAVID WATTERS	RALEIGH
[illegible]	UCICU
[illegible]	NFAFNC.Com Dentons
[illegible]	[illegible]
[illegible]	Charlotte Chamber
Tim Mixon	NC Home Builders Assn
Susan Markham	Professional Educators of NC
Anne Wimsatt	NCAWA
Andy Jones	SEANC
Laura Harper	SEANC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
August 6, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HR 1782 – RESOLUTION HONORING THE ACHIEVEMENTS OF THE WINTER OLYMPIANS

SB 1144 – TWO-WHEELED MOBILITY DEVICES

ADJOURNMENT

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

August 6, 2002

The Committee on Rules, Calendar and Operations of the House met on August 6, 2002 at 3:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Barefoot, Barnhart, Buchanan, Culp, Gibson, Gulley, Hill, Jarrell, McComas, McCombs, Setzer, Sherrill, Willingham, and Yongue.

The following bills were considered:

HOUSE RESOLUTION 1782 – A HOUSE RESOLUTION HONORING THE ACHIEVEMENTS OF THE WINTER OLYMPIANS. Representative Womble, sponsor, was recognized to speak on the resolution. He called attention to the fact that Randy Jones, a Winston-Salem native, was on the team that won the silver metal in the four-man bobsled event and that it was the first time African-American men had won a medal in the Winter Olympics. Joey Cheek who competed in several speed skating events was a Greensboro native. Representative Willingham moved that the resolution be adopted, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1144 – AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDUM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES. A House committee substitute was offered, and Representative Gibson moved that it be adopted for purposes of discussion. Without objection, it was so ordered. He was then recognized to explain the House committee substitute. He stated that the bill would allow this new invention to be treated by local governments as skateboards, bicycles and other personal mobility devices. Robert Kaylor representing the manufacturer, Segway Company, was recognized and explained the function and use of the device. Representative Allen moved that the House committee substitute be given a favorable report, unfavorable to the Senate committee substitute. The motion carried.

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 2001

HR 1782
8-6-02

H D

HOUSE RESOLUTION DRHR6472-LG-288A (07/23)

Sponsors: Representatives Womble; Decker, Esposito, Gray, Oldham, and Sexton.

Referred to:

A HOUSE RESOLUTION HONORING THE ACHIEVEMENTS OF THE 2002 WINTER OLYMPIANS.

Whereas, the 2002 Winter Olympics was held in Salt Lake City, Utah; and

Whereas, some of the finest athletes in the world came together for 17 days, to compete in this event; and

Whereas, the United States Olympic team won 34 medals and placed second in the total medal count; and

Whereas, the members of the United States Olympic team included athletes from across the country, including North Carolina; and

Whereas, first-time Olympian, Joey Cheek, a Greensboro native, competed in several speed skating events; and

Whereas, three-time Olympian, Randy Jones, a Winston-Salem native, competed in the four-man bobsled event; and

Whereas, Randy Jones and teammates, Todd Hayes, Bill Schuffenhauer, and Garrett Hines, won the silver medal in the bobsled event; and

Whereas, Randy Jones and Garrett Hines earned the distinction of being the first African-American men to win a medal in a Winter Olympics; and

Whereas, the United States Olympic team earned the respect and admiration of the nation for their accomplishments and competitive spirit, as well as, their superior sportsmanship that was demonstrated throughout the games; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives congratulates the United States Olympic team for its performance in the 2002 Winter Olympics.

SECTION 2. The House of Representatives recognizes the extraordinary achievements of native sons, Joey Cheek and Randy Jones.

SECTION 3. The Principal Clerk shall transmit a certified copy of this resolution to Joey Cheek and Randy Jones.

SECTION 4. This resolution is effective upon adoption.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1782 A HOUSE RESOLUTION HONORING THE ACHIEVEMENTS OF THE 2002 WINTER OLYMPIANS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 1144

Commerce Committee Substitute Adopted 7/9/02

Short Title: Two-Wheeled Mobility Devices. (Public)

Sponsors:

Referred to:

June 3, 2002

A BILL TO BE ENTITLED

AN ACT TO DEFINE AND AUTHORIZE THE USE OF NONTANDEM TWO-WHEELED PERSONAL ASSISTIVE MOBILITY DEVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(7a) reads as rewritten:

"~~(7a)~~(7b) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle."

SECTION 2. G.S. 20-4.01 is amended by adding a new subdivision to read:

"(7a) Electric Personal Assistive Mobility Device. — A self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less."

SECTION 3. G.S. 20-4.01(49) reads as rewritten:

"(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term does not include an electric personal assistive mobility device as defined in G.S. 20-4.01(7a)."

SECTION 4. G.S. 20-51 is amended by adding a new subdivision to read:

"(14) Electric personal assistive mobility devices as defined in G.S. 20-4.01(7a)."

SECTION 5. Article 3 of Chapter 20 of the General Statutes is amended by adding a new Part to read:

"Part 11C. Electric Personal Assistive Mobility Devices.

"**§ 20-175.6. Electric personal assistive mobility devices.**

(a) Electric Personal Assistive Mobility Device. – As defined in G.S. 20-4.01(7a).

(b) Exempt From Registration. – As provided in G.S. 20-51.

(c) Use of Device. – An electric personal assistive mobility device may be operated on public highways with posted speeds of 25 miles per hour or less, sidewalks, and bicycle paths. A person operating an electric personal assistive mobility device on a sidewalk, roadway, or bicycle path shall yield the right-of-way to pedestrians and other human-powered devices. A person operating an electric personal assistive mobility device shall have all rights and duties of a pedestrian."

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 1144

Commerce Committee Substitute Adopted 7/9/02

PROPOSED HOUSE COMMITTEE SUBSTITUTE S1144-CSRW-72 [v.2]

8/6/2002 2:09:11 PM

Short Title: Two-Wheeled Mobility Devices. (Public)

Sponsors:

Referred to:

June 3, 2002

A BILL TO BE ENTITLED

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The General Assembly of North Carolina enacts:

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"~~(7a)~~(7b) Employer. – Any person who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle."

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"(7a) Electric Personal Assistive Mobility Device. — A self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits the maximum speed of the device to 15 miles per hour or less."

SECTION 3. G.S. 20-4.01(49) reads as rewritten:

"(49) Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not

include an electric personal assistive mobility device as defined in G.S. 20-4.01(7a)."

SECTION 4. G.S. 20-51 is amended by adding a new subdivision to read:

"(14) Electric personal assistive mobility devices as defined in G.S. 20-4.01(7a)."

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"**§ 20-175.6. Electric personal assistive mobility devices.**

(a) Electric Personal Assistive Mobility Device. – As defined in G.S. 20-4.01(7a).

(b) Exempt From Registration. – As provided in G.S. 20-51.

(c) Use of Device. – An electric personal assistive mobility device may be operated on public highways with posted speeds of 25 miles per hour or less, sidewalks, and bicycle paths. A person operating an electric personal assistive mobility device on a sidewalk, roadway, or bicycle path shall yield the right-of-way to pedestrians and other human-powered devices. A person operating an electric personal assistive mobility device shall have all rights and duties of a pedestrian, including the rights and duties set forth in Part 11 of this Article.

(d) Municipal Regulation. – For the purpose of assuring the safety of persons using highways and sidewalks, municipalities having jurisdiction over public streets, sidewalks, alleys, bridges and other ways of public passage may by ordinance regulate the time, place and manner of the operation of electronic personal assistive mobility devices, but shall not prohibit their use."

SECTION 6. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

DATE 8-6-02

Rules

VISITOR: Please sign below and return to clerk.

NAME	FIRM OR STATE AGENCY	TELEPHONE
John Goodman	Mercer Assoc	
Andy Romanet	NCLM	
Suzanne Williams	NCCS	
Michael Hoeser	Insider	
Katie Hunter	NC State Watch	
Mark Benson	Capitol Group	
R W Kaylor	Kaylor Land Firm	
Don Beason	Capitol Group	
Lou Ann Harris	Harris & Assoc	

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
August 14, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1778 – JOINT RESOLUTION HONORING LINWOOD EBORN MERCER, FORMER MEMBER OF THE GENERAL ASSEMBLY

HJR 1779 – JOINT RESOLUTION HONORING HOWARD B. CHAPIN, FORMER MEMBER OF THE GENERAL ASSEMBLY

ADJOURNMENT

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

August 14, 2002

The Committee on Rules, Calendar and Operations of the House met on August 14, 2002 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Hackney, Vice Chairman; Barefoot, Buchanan, Crawford, Culp, Gulley, Hill, Jarrell, McCombs, Setzer and Yongue.

The following resolutions were considered:

HOUSE JOINT RESOLUTION 1778 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LINWOOD EBORN MERCER, FORMER MEMBER OF THE GENERAL ASSEMBLY. Representative Warren, sponsor, was recognized. She recalled his serving in the House of Representatives, his accomplishments, and his strong family ties. Representative Crawford moved that the resolution be given a favorable report. The motion carried.

HOUSE JOINT RESOLUTION 1779 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HOWARD B. CHAPIN, FORMER MEMBER OF THE GENERAL ASSEMBLY. Representative Edwards, sponsor, was recognized and spoke very briefly on the resolution. Representative Crawford made a motion that the resolution be given a favorable report, and the motion passed.

There being in no further business, the meeting adjourned at 1:05 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE JOINT RESOLUTION 1778

Sponsors: Representatives Warren; Alexander, Barefoot, Bell, Black, Bonner, Cox, Culpepper, Earle, Easterling, Edwards, Fox, Gibson, Goodwin, Haire, Jeffus, Lucas, McLawhorn, Nye, Owens, Rogers, Saunders, Smith, Sutton, Tolson, Tucker, Weiss, and Wright.

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

July 23, 2002

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LINWOOD EBORN MERCER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Linwood Eborn Mercer was born on September 12, 1946, in Washington, North Carolina, to Judge Linwood Erastus Mercer and Elsie Eborn Mercer; and

Whereas, Linwood Eborn Mercer attended the public schools in Beaufort County and the University of North Carolina at Chapel Hill; and

Whereas, Linwood Eborn Mercer and his family moved to the Town of Farmville in 1974; and

Whereas, Linwood Eborn Mercer ran a number of successful businesses, including a warehousing business, a hardware store, and a local commercial real estate business; and

Whereas, Linwood Eborn Mercer later consolidated many of his Farmville business operations into one organization and named it The Mercer Group; and

Whereas, Linwood Eborn Mercer showed a strong interest in local politics, serving as Mayor of the Town of Farmville from 1979 to 1981, as a member of the Pitt County Board of Commissioners from 1988 to 1993, and as chair of that board from 1991 through 1992; and

Whereas, Linwood Eborn Mercer served with honor and distinction in the House of Representatives from 1993-1998, contributing as a member of several committees, including Agriculture, Finance, Pensions and Retirement, and Transportation; and

Whereas, Linwood Eborn Mercer became a political lobbyist after serving in the General Assembly and in that capacity worked on behalf of numerous organizations and businesses, including the North Carolina Association of Electric Cooperatives, Inc., Lowes Motor Speedway, Wellpath Community Health Plans, North Carolina Economic Group, Community Financial Services Association, GlaxoSmithKlein, Inc., Central

Coastal Plain Capacity Use Area Association, Accenture, AT & T Wireless, Cingular Wireless, North Carolina Hospital Association, Cyntex Construction, North Carolina Society for Respiratory Care, North Carolina Museum of Art Foundation, and Alliance of Automobile Manufacturers; and

Whereas, Linwood Eborn Mercer worked diligently for the good of his community, serving as chair of the Farmville Community Arts Council, president of the Farmville Economic Council and Pitt County School Education Foundation, vice-chair of the Pitt County Board of Health, and a member of the Pitt County Development Commission; and

Whereas, Linwood Eborn Mercer received several honors and recognitions, including the Farmville Small Business Leader of the Year in 1993 and the Farmville Citizen of the Year in 1996; and

Whereas, Linwood Eborn Mercer was active in the Farmville United Methodist Church; and

Whereas, Linwood Eborn Mercer died on March 17, 2002; and

Whereas, Linwood Eborn Mercer was a devoted husband to his beloved wife, Alice Williams Mercer; a loving father to his daughters Becky Mercer, Sarah Mercer Massey, and Nancy Mercer Ayers; and a loving and proud grandfather to his two grandsons, Clayton Massey and Thomas Ayers; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of Linwood Eborn Mercer and expresses the gratitude and appreciation of this State and its citizens for the service he rendered to his community and the State of North Carolina.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Linwood Eborn Mercer for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Linwood Eborn Mercer.

SECTION 4. This resolution becomes effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1778 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LINWOOD EBORN MERCER, 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1779

Sponsors:	Representatives Edwards; Allen, Baddour, Black, Cox, Culpepper, Cunningham, Hackney, Hensley, Hunter, Jarrell, Oldham, Rogers, and Smith.
Referred to:	Rules, Calendar, and Operations of the House.

July 25, 2002

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HOWARD B. CHAPIN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Howard B. Chapin was born on December 9, 1921, in Ahoskie, North Carolina, to Henry B. Chapin and Lavenia Howard Chapin; and

Whereas, Howard B. Chapin graduated from Grainger High School in Kinston, North Carolina, and Atlantic Christian College (now Barton College) in 1947 and in later years took additional courses at East Carolina University and the University of North Carolina at Chapel Hill; and

Whereas, Howard B. Chapin taught in the public schools in Washington and Belhaven for 34 years, 20 of which he coached football, basketball, tennis, and baseball teams; and

Whereas, Howard B. Chapin served with honor and distinction in the General Assembly as a member of the House of Representatives for nine terms from 1975 through 1992; and

Whereas, Howard B. Chapin made contributions as a member of many legislative committees and subcommittees, including Appropriations, Courts and Judicial Districts, Election Laws, and Constitutional Amendments; and

Whereas, Howard B. Chapin provided leadership in the General Assembly as chair of the Agriculture Subcommittee on Aquaculture and Marine Fisheries; chair of the Public Employees Subcommittee on Salaries; vice-chair of the Economic Expansion Subcommittee on Travel, Tourism and Economic Development; and vice-chair of the State Government Subcommittee on State Parks, Facilities and Property; and

Whereas, Howard B. Chapin supported a number of causes as a member of the General Assembly such as restoration of oyster beds in Hyde County and conservation efforts for fishing; and

Whereas, Howard B. Chapin sponsored legislation which led to the creation of the Legislators' School for Youth Leadership Development, a residential summer

school program for high school juniors and seniors held at East Carolina University and Western Carolina University to target potential leaders within our State; and

Whereas, Howard B. Chapin was a veteran of World War II, serving as a sergeant in the 8th Air Force of the United States Air Force in the European Theater from 1943 through 1945; and

Whereas, Howard B. Chapin was active in his community, serving as president of the Belhaven Lion's Club and Washington Kiwanis Club, chair of the Somerset Foundation, a charter member of the Tri-Community Ruritan Club, and a member of the Veterans of Foreign Wars, Hyde County and Belhaven Chambers of Commerce, the Washington Planning Board, and the Board of Directors of the Global TransPark Facility; and

Whereas, Howard B. Chapin was a member of the First Christian Church of Washington; and

Whereas, Howard B. Chapin died on May 14, 2002; and

Whereas, Howard B. Chapin leaves to mourn his wife of 54 years, Mary Alice Beasley Chapin, a son, Michael Chapin, five grandchildren, and one great-grandchild; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of Howard B. Chapin and expresses the gratitude of this State and its citizens for the service he rendered.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Howard B. Chapin for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Howard B. Chapin.

SECTION 4. This resolution becomes effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1779 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HOWARD B. CHAPIN, 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

8.14.09
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ryland Wilms	NCHBA
Roger Bone	Bone Assoc
Steve Hoffman	NCSBA
JOHN GOODMAN	MERCER ASSOC.
Lucius PULLEN	ATTORNEY
Ken Melton	Allen Associates, INC
Anne Barlow	EC
Margaret Westbrook	KCLH
Kester Hunter	NC State Watch
JOHN M. HUNT	GOV OFFICE
Brian Francis	Meck County
Laura Harper	SEANC
Mary Ann	Capitol Group
Michelle Frazier	NC Bar Assn
Cam Cover	BPMHC
Susan Markham	professional educators' org
Anne Wilson	NCASA
Joanne Stevens	nursing

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
August 21, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SJR 1469 – JOINT RESOLUTION HONORING WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH

HR 1780 RESOLUTION REQUESTING THE CONGRESS AND THE PRESIDENT TO ENACT LEGISLATION TO ESTABLISH A FEDERAL/STATE PARTNERSHIP TO USE LOCAL COUNTY VETERANS SERVICE OFFICERS TO ASSIST IN ELIMINATING VETERANS CLAIMS PROCESSING BACKLOG

HJR 1783 – NC CAN/ AMBER ALERT – 2

ADJOURNMENT

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

August 21, 2002

The Committee on Rules, Calendar and Operations of the House met on August 21, 2002 in Room 421 at 12:05 p.m. in Room 421 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman; Barefoot, Barnhart, Buchanan, Crawford, Culp, Gulley, Hill, Jarrell, McComas, McCombs, Setzer, Sherrill, Willingham and Yongue.

The following bills were considered:

SENATE JOINT RESOLUTION 1469 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH. Representative Barefoot was recognized to speak on the resolution. He noted among the accomplishments of Mr. Gaston that he served several terms in the State Senate and the North Carolina House of Commons for a period from 1800 through 1831; composed the official State song "The Old North State"; and that Gaston County is named for him. Representative Buchanan moved that the resolution be given a favorable report, and the motion carried.

HOUSE RESOLUTION 1780 - A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO ENACT LEGISLATION TO ESTABLISH A FEDERAL/STATE PARTNERSHIP TO USE LOCAL COUNTY VETERANS SERVICE OFFICERS TO ASSIST THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS IN ELIMINATING THE VETERANS CLAIMS PROCESSING BACKLOG. Representative Nye, sponsor, was recognized to explain the resolution. He stated that this bill represents a national movement by veterans service officers requesting Congress to establish block grants to use trained local veterans service officers to assist in processing a backlog of veterans claims. In North Carolina there is a backlog of 50,000 claims. Representative McCombs moved that the resolution be adopted, and the motion passed.

HOUSE JOINT RESOLUTION 1783 – A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN. Representative Decker, sponsor, was recognized to explain the resolution. He stated that the resolution authorizes the introduction of a proposed bill to be entitled AN ACT TO AUTHORIZE

THE NORTH CAROLINA CENTER FOR MISSING PERSON TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN. The proposed bill would authorize the Center for Missing Persons to accept private donations for the implementation of the amber alert system, to establish the criteria to trigger the amber alert, and to coordinate the use of the highway message signs as an integral part of the amber alert. In answer to a question by the chairman, Robin Johnson, staff attorney, stated that the proposed bill would not conflict with a special provision of $125,000.00 in the House budget for the purpose of assisting the NC CAN system to develop training videos and brochures. Representative Jarrell wanted to know who would collect and expend the private funds mentioned in the bill. Representative Decker said that the money would be donated to the Department of Crime Control and Public Safety for the Center of Missing Persons to be used to develop the NC CAN program to educate the public on the program. Following further discussion, Representative Sherrill moved that the resolution be given a favorable report, The motion passed.

There being no further business, the meeting adjourned at 12:20 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE JOINT RESOLUTION 1469

Rules and Operations of the Senate Committee Substitute Adopted 7/24/02

Sponsors:

Referred to:

July 1, 2002

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH.

Whereas, William Joseph Gaston was born on September 19, 1778, in New Bern, North Carolina; and

Whereas, William Joseph Gaston's father, Dr. Alexander Gaston, a patriot during the American Revolution, was killed by Tories in August 1781 when William Joseph Gaston was a young boy; and

Whereas, William Joseph Gaston was reared by his mother, Margaret Sharpe Gaston, to adhere to the beliefs and principles of the Roman Catholic church; and

Whereas, William Joseph Gaston began his formal education as the first student at Georgetown College in 1791; and

Whereas, William Joseph Gaston later graduated from the College of New Jersey at Princeton; and

Whereas, William Joseph Gaston, after graduating from college, returned to New Bern, North Carolina, to study law under a well-known lawyer, Francois-Xavier Martin; and

Whereas, William Joseph Gaston was admitted to the North Carolina State Bar in 1798 and later developed an expertise in property and criminal law; and

Whereas, William Joseph Gaston became very active in the political affairs of the State and nation; and

Whereas, William Joseph Gaston served the people of Craven County in the State Senate during the Assemblies of 1800, 1812, 1818, and 1819; and

Whereas, in the 1818 Assembly of the Senate, William Joseph Gaston served as chair of the joint legislative committee that proposed the creation of the North Carolina Supreme Court; and

Whereas, William Joseph Gaston represented the Town of New Bern in the North Carolina House of Commons in 1807, 1808, 1809, 1828, and 1829, and served partial terms in 1827 and 1831; and

Whereas, during the 1808 Assembly of the North Carolina House of Commons, William Joseph Gaston was elected Speaker and served as a presidential elector; and

Whereas, William Joseph Gaston served in the United States House of Representatives from 1815 to 1817; and

Whereas, in 1833, William Joseph Gaston, a devout Catholic, was elected to the North Carolina Supreme Court, notwithstanding Article 32 of the North Carolina Constitution, which denied anyone from holding a State office who did not believe in "the Truth of the Protestant Religion"; and

Whereas, in 1835, William Joseph Gaston purchased a library for the State Supreme Court while on a trip to New York City to enable the justices to render better decisions; and

Whereas, William Joseph Gaston served as a delegate to the North Carolina Constitutional Convention of 1835, where he spoke out in favor of continued suffrage for free blacks, federal representation as the basis for representation in the North Carolina House of Commons, and biennial meetings of the State legislature; and

Whereas, William Joseph Gaston, during the 1835 Convention, also spoke against the religious test for office contained in the North Carolina Constitution at that time, which later resulted in the removal of the word "Protestant" and the substitution of the word "Christian" throughout the constitution; and

Whereas, William Joseph Gaston was well respected and admired by all who knew him; and

Whereas, William Joseph Gaston was awarded numerous honorary degrees and memberships from colleges, universities, and organizations throughout the nation; and

Whereas, William Joseph Gaston served as a trustee of the University of North Carolina at Chapel Hill from 1802 until his death; and

Whereas, William Joseph Gaston donated money for the construction of St. Paul's Church in New Bern, the oldest Roman Catholic church building in North Carolina; and

Whereas, William Joseph Gaston wrote the words for North Carolina's official State song, "The Old North State", which he adapted from a melody sung by a group of Swiss bell ringers who visited the capital; and

Whereas, Gaston County and the City of Gastonia are both named for William Joseph Gaston; and

Whereas, William Joseph Gaston died on January 23, 1844; and

Whereas, as the 225th anniversary of the birth of William Joseph Gaston nears, the General Assembly celebrates his life and memory and his many contributions to our State and recognizes his stand on religious tolerance; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of William Joseph Gaston for the service he rendered the State and nation.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Cities of Gastonia and New Bern and to the Counties of Gaston and Craven.

SECTION 3. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.J.R. 1469 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM JOSEPH GASTON ON THE 225TH ANNIVERSARY OF HIS BIRTH.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

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
_____ the House amendment (s).
_____the House committee substitute bill.
____ 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 2001

H 1

HOUSE RESOLUTION 1780

Sponsors: Representatives Nye; Warwick and Justus.

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

July 31, 2002

A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO ENACT LEGISLATION TO ESTABLISH A FEDERAL/STATE PARTNERSHIP TO USE LOCAL COUNTY VETERANS SERVICE OFFICERS TO ASSIST THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS IN ELIMINATING THE VETERANS CLAIMS PROCESSING BACKLOG.

Whereas, the United States presently has a population of over 25 million veterans from its previous wars, with the majority of that veteran population from World War II and the Korean War; and

Whereas, the World War II and Korean War veteran population is presently over 70 years of age, and that group is passing away at the rate of 1,000 veterans per day; and

Whereas, the United States government has acknowledged its responsibility to provide medical care or compensation for medical problems, as well as other benefits, to those veterans who served their country in time of war; and

Whereas, the United States Department of Veterans Affairs is charged with administering the federal benefits program for veterans; and

Whereas, there presently exists a backlog of over 601,000 claims, some of which have been outstanding for one year or more; and

Whereas, a significant portion of these claims involve World War II and Korean War veterans, and despite determined efforts by the United States Department of Veterans Affairs to eliminate this backlog, the backlog continues; and

Whereas, there exists a trained group of individuals known as county veterans service officers located in 37 of the 50 states, representing 700 counties and a workforce of over 2,400 full-time local government employees; and

Whereas, these county veterans service officers were established in 1945 after World War II for the purpose of helping returning veterans reenter civilian life, and have continued to do so for all veterans of all wars since then; and

Whereas, these county veterans service officers are highly trained individuals who have continued to provide assistance to all veterans for over 50 years and are

already familiar with the United States Department of Veterans Affairs claim policies and procedures; and

Whereas, for example, in North Carolina county veterans service officers annually assist North Carolina veterans obtain monetary benefits in excess of $812,000,000 by assisting these veterans in filing over 50,000 claims annually with the United States Department of Veterans Affairs; and

Whereas, this claims processing backlog needs to be urgently reduced while our World War II and Korean War veterans are still with us; and

Whereas, the United States Department of Veterans Affairs could enter into a partnership with state and local governments to utilize these highly trained county veterans service officers to eliminate the present claims processing backlog by expanding the county veterans service officers' roles; and

Whereas, this would be a cost-effective way of reducing the claims processing backlog by eliminating the need for a substantial increase in federal employees; and

Whereas, these county veterans service officers, as represented by the North Carolina Association of County Veterans Service Officers and the National Association of County Veterans Service Officers, have offered to assist the United States Department of Veterans Affairs in exchange for block grants to the various states based upon each state's veteran population to compensate county veterans service officers for their expanded role; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges the Congress of the United States and the President to support and enact legislation that would establish a federal/state partnership to use the knowledge and skills of the local county veterans service officers to assist the United States Department of Veterans Affairs in eliminating the veterans claims processing backlog in order that America's veterans can take advantage of the benefits that the United States has authorized for them for their faithful and loyal service to a grateful nation.

SECTION 2. The Principal Clerk shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Majority Leader of the Senate, and to each Senator and Representative from North Carolina in the Congress of the United States.

SECTION 3. This resolution is effective upon adoption.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1780 A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO ENACT LEGISLATION TO ESTABLISH A FEDERAL/STATE PARTNERSHIP TO USE LOCAL COUNTY VETERANS SERVICE OFFICERS TO ASSIST THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS IN ELIMINATING THE VETERANS CLAIMS PROCESSING BACKLOG.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

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
_____ the House amendment (s).
_____the House committee substitute bill.
____ 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 2001

HOUSE JOINT RESOLUTION 1783

Sponsors:	Representatives Decker; Barbee, Esposito, Gillespie, Harrington, Pope, Preston, Walend, and G. Wilson.
Referred to:	Rules, Calendar, and Operations of the House.

August 20, 2002

A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN.

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

SECTION 1. The 2001 General Assembly, Regular Session 2002, may consider "A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN."

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

BILL DRAFT 2001-SA-12 [v.2] (8/21)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
8/21/2002 8:54:32 AM

Short Title: NC CAN/Amber Alert - 2. (Public)

Sponsors: Representative Decker.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSON TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM – NCCAN (AMBER ALERT), TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-499.1 reads as rewritten:

"**§ 143B-499.1. Dissemination of missing persons data by law-enforcement agencies.**

A law-enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, or legal custodian, shall immediately make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law- enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the Center.

If the report involves a missing child and the report meets the criteria established in G.S. 143B-499.7(b), as soon as practicable after receipt of the report, the law-enforcement agency shall notify the Center of the relevant data about the missing child."

SECTION 2. G.S. 143B-499.2 is amended by adding a new subsection to read:

(6a) Develop and maintain the North Carolina Child Alert Notification System (NC CAN) as created by G.S. 143B-499.7;

SECTION 3. Article 11 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"**§ 143B-499.7. North Carolina Child Alert Notification System established.**

(a) There is established within the North Carolina Center for Missing Persons the North Carolina Child Alert Notification System (NC CAN). The purpose of NC CAN is to provide a statewide system for the rapid dissemination of information regarding abducted children.

(b) The NC CAN system shall make every effort to disseminate information on missing children as quickly as possible when the following criteria are met:

(1) The child is 12 years of age or younger;

(2) The child is believed to be in danger of injury or death;

(3) The abduction is not known or suspected to be by a parent of the child;

(4) The child is not a runaway or voluntarily missing, and

(5) The abduction has been reported to and investigated by a law enforcement agency.

The NC CAN system may disseminate information on missing children who are ages thirteen (13) to seventeen (17) on a case by case basis, if all other criteria (2) through (5) have been met, if the Center believes the dissemination of the information to be beneficial in the possible recovery of the missing child.

If the abduction of the child is known or suspected to be by a parent of the child, the Center, in its discretion, may disseminate information through the NC CAN system if the child is believed to be in danger of injury or death.

(c) The Center shall adopt guidelines and develop procedures for the statewide implementation of the NC CAN system and shall provide education and training to encourage radio and television broadcasters to participate in the system. The Center shall work with the Department of Justice in developing training material regarding NC CAN for law enforcement, broadcasters, and community interest groups.

(d) The Center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the abduction of a child meeting the criteria established in subsection (b) of this section, when information is available that would enable motorists to assist law enforcement in the recovery of the missing child. The Center and the Department of Transportation shall develop guidelines for the content, length and frequency of any message to be placed on an overhead permanent changeable message sign.

(e) The Center shall consult with the Division of Emergency Management, in the Department of Crime Control and Public Safety, to develop a procedure for the use of the Emergency Alert System to provide information on the abduction of a child meeting the criteria established in subsection (b) of this section.

(f) The Department of Crime Control and Public Safety, on behalf of the Center, may accept grants, contributions, devises, bequests, and gifts, which shall be kept in a separate fund and shall be used by it to fund the operations of the Center and the NC CAN system.

SECTION 4. Section 1 of this act becomes effective October 1, 2002. The remainder of this act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1783 A JOINT RESOLUTION AUTHORIZING THE 2001 GENERAL ASSEMBLY, REGULAR SESSION 2002, TO CONSIDER A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA CENTER FOR MISSING PERSONS TO ACCEPT AND EXPEND PRIVATE DONATIONS FOR THE NORTH CAROLINA CHILD ALERT NOTIFICATION SYSTEM-NCCAN (AMBER ALERT) , TO ESTABLISH CRITERIA TO TRIGGER AN "AMBER ALERT", TO COORDINATE THE PUBLIC AND PRIVATE SECTORS, AND TO PROVIDE FOR THE USE OF DEPARTMENT OF TRANSPORTATION CHANGEABLE MESSAGE SIGNS TO DISPLAY INFORMATION REGARDING MISSING CHILDREN.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

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
_____ the House amendment (s).
_____the House committee substitute bill.
____ 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.

VISITOR REGISTRATION SHEET

DATE 8/21/02

Rules, Calendar & Operations of the House

VISITOR: Please sign below and return to clerk.

NAME	FIRM OR STATE AGENCY	TELEPHONE
Ken Melton	Alley Associates, Inc.	
Suzanne Williams	NCCCS	
Laura DeVine	DENR	
Andy Romanet	NCLM	
Steve Wall	CCNC	
Martha Glass	NC DAICS	
Katherine Davis	EC	
Elizabeth Dalton	Bode & Assoc.	
John Mobley	Gov Office	
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN	
DAVID BARNES	Poyner-Spruill	
Diana Wilkins	Meyer & Assoc	

VISITOR REGISTRATION SHEET

DATE_____

VISITOR: Please sign below and return to clerk.

NAME	FIRM OR STATE AGENCY	TELEPHONE
Kate Hunt	NC State Wdlfe	
John Rust	NCFPC	
Carole Lawler	EGHS	
[illegible]	[illegible] & Assoc.	
Laura Harper	SEANC	
~~Ardia~~ Watkins	SEANC	
[illegible]	Catawba County Gov't	
R. Paul Wilcox	NCHBA	
Anne Dixon	NCAWA	
Sarah Schmidt	NC Justice Center	
Meg Jongeward	Covenant with NC's children	
Pamela Wolf	"	

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
August 27, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 1402 – ADDRESS CONFIDENTIALITY PROGRAM

ADJOURNMENT

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

August 27, 2002

The Committee on Rules, Calendar and Operations of the House met on August 27, 2002 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present; Representatives Culpepper, Chairman; Allen, Barefoot, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Luebke, McComas, McCombs, McMahan, Setzer, Willingham and Yongue and ex officio member Earle.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1402 – AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING. A proposed committee substitute was offered, and Representative Willingham moved for its adoption for purpose of discussion. Without objection, it was so ordered. Representative Jeffus, sponsor, was recognized to explain the bill. She stated that the bill is an effort to protect victims who have relocated from being found through public records. The program will be funded through settlement proceeds set out in the proposed committee substitute; no money will be needed from the general fund. She referred to a summary of the bill which explains the bill in detail, a copy of which is attached. Dianna Jessup, staff attorney, reviewed the changes in the bill by the proposed committee substitute. Representative Allen moved that committee substitute #2 be given a favorable report, unfavorable to committee substitute #1. 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 2001

H 2

HOUSE BILL 1402

Committee Substitute Favorable 8/15/02

Short Title: Address Confidentiality Program. (Public)

Sponsors:

Referred to:

April 26, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 15C.

"Address Confidentiality Program.

"**§ 15C-1. Purpose.**

The purpose of this Chapter is to enable the State and its agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual offense, or stalking; to enable interagency cooperation in providing address confidentiality for victims of domestic violence, sexual offense, or stalking; and to enable the State and its agencies to accept a program participant's use of an address designated by the Office of the Attorney General as a substitute address.

"**§ 15C-2. Definitions.**

The following definitions apply in this Chapter:

(1) Actual address or address. – A residential, work, or school street address as specified on the individual's application to be a program participant under this Chapter.

(2) Address Confidentiality Program or Program. – A program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, or stalking to prevent the victim's assailants or potential assailants from finding the victim through public records.

(3) Agency of North Carolina or agency. – Includes every elected or appointed State or local public office, public officer, or official; institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any local government; or

unit, special district, or other political subdivision of State or local government.

(4) Application assistant. – An employee of an agency or nonprofit organization who provides counseling, referral, shelter, or other specialized services to victims of domestic violence, sexual offense, or stalking and who has been designated by the Attorney General to assist individuals with applications to participate in the Address Confidentiality Program.

(5) Attorney General. – Office of the Attorney General.

(6) Person. – Any individual, corporation, limited liability company, partnership, trust, estate, or other association or any state, the United States, or any subdivision thereof.

(7) Program participant. – An individual accepted into the Address Confidentiality Program in accordance with this Chapter.

(8) Public record. – A public record as defined in Chapter 132 of the General Statutes.

(9) Substitute address. – An address designated by the Attorney General under the Address Confidentiality Program.

(10) Victim of domestic violence. – An individual against whom domestic violence, as defined in G.S. 50B-1, has been committed.

(11) Victim of a sexual offense. – An individual against whom a sexual offense under Article 7A of Chapter 14 of the General Statutes has been committed.

(12) Victim of stalking. – An individual against whom stalking, as defined in G.S. 14-277.3, has been committed.

"**§ 15C-3. Address Confidentiality Program.**

The General Assembly establishes the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, or stalking to prevent the victim's assailants or potential assailants from finding the victim through public records. Under this Program, the Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail. The Attorney General shall not be required to forward any mail other than first-class mail to the program participant. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered mail.

"**§ 15C-4. Filing and certification of applications; authorization card.**

(a) Applications shall be filed with the Attorney General. Any of the following individuals may apply to the Attorney General to have an address designated by the Attorney General to serve as the substitute address of the individual:

(1) An adult person.

(2) A parent or guardian acting on behalf of a minor when the minor resides with the victim.

(3) A guardian acting on behalf of an incapacitated person.

(b) The application shall be dated, signed, and verified by the applicant and shall be signed by the application assistant who assisted in the preparation of the application.

(c) The application shall contain all of the following:

(1) A statement by the applicant that the applicant, or the person on behalf of whom the applicant is applying, is a victim of domestic violence, sexual offense, or stalking and that the victim fears for his or her safety or the safety of his or her child.

(2) Evidence that the applicant, or the person on behalf of whom the applicant is applying, is a victim of domestic violence, sexual offense, or stalking. This evidence may include any of the following:

a. Police, court, or other federal or state agency records or files.

b. Documentation from a domestic violence program if the applicant, or the person on behalf of whom the applicant is applying, is alleged to be a victim of domestic violence.

c. Documentation from a religious, medical, or other professional from whom the applicant, or the person on behalf of whom the applicant is applying, has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.

(3) A statement by the applicant that disclosure of the victim's address would endanger the victim's safety or the safety of the victim's child.

(4) A statement by the applicant that the victim has or will confidentially relocate in North Carolina.

(5) A designation of the Attorney General as an agent for purposes of service of process and the receipt of first-class mail.

(6) The mailing address and telephone number where the victim can be contacted by the Attorney General.

(7) The address that the applicant requests not to be disclosed by the Attorney General that directly relates to the increased risk of domestic violence, sexual offense, or stalking.

(8) A statement as to whether there is any existing court order or court action involving the applicant related to divorce proceedings, child support, child custody, or child visitation and the court that issued the order or has jurisdiction over the action.

(9) A statement by the applicant that to the best of the applicant's knowledge, the information contained in the application is true.

(10) A recommendation of an application assistant that the victim have an address designated by the Attorney General to serve as the substitute address of the victim.

(d) Upon the filing of a properly completed application, the Attorney General shall certify the applicant as a program participant. Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card shall remain valid for so long as the program participant remains certified under the Program.

(e) Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or canceled prior to the end of the four-year period. A program participant may withdraw the certification by filing a request for withdrawal acknowledged before a notary with the Attorney General. A certification may be renewed by filing an application containing the information required by G.S. 15C-3 with the Attorney General at least 30 days prior to expiration of the current certification.

"**§ 15C-5. Change of name, address, or telephone number.**

(a) A participant shall notify the Attorney General within 30 days after the participant has obtained a legal name change by providing the Attorney General a certified copy of any judgment or order evidencing the change or any other documentation the Attorney General deems to be sufficient evidence of the name change. If the participant fails to notify the Attorney General of a name change in the manner provided in this subsection, the participant shall lose certification in the Program.

(b) A participant shall notify the Attorney General of a change in address or telephone number from the address or telephone number listed for the participant on the application at least seven days before the change occurs. If the participant fails to notify the Attorney General of a change in address or telephone number in the manner provided in this subsection, the participant shall lose certification in the Program.

"**§ 15C-6. Falsifying application information.**

A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's child or who knowingly provides false information when applying for certification or renewal shall lose his or her certification. The Attorney General shall investigate violations of this section and, upon finding that a violation has occurred, assess a civil penalty not to exceed five hundred dollars ($500.00).

"**§ 15C-7. Certification cancellation; records.**

(a) The Attorney General shall cancel the certification of a program participant under any of the following circumstances:

(1) The program participant files a request for withdrawal of the certification pursuant to G.S. 15C-4.

(2) The program participant fails to notify the Attorney General of a change in the participant's name, address, or telephone number listed on the application pursuant to G.S. 15C-5.

(3) The program participant submitted false information in applying for certification to the Program in violation of G.S. 15C-6.

(4) Mail forwarded to the program participant is returned as undeliverable.

(b) The provisions of Article 3 of Chapter 150B of the General Statutes shall not apply to any cancellation of certification by the Attorney General pursuant to subsection (a) of this section.

(c) The Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. The program participant shall have 30 days to appeal the cancellation decision under procedures developed by the Attorney General.

(d) Any records or documents pertaining to a program participant shall be maintained in accordance with The General Schedule for State Agencies as established by the Department of Cultural Resources.

(e) A person who ceases to be a program participant is responsible for notifying persons who use the substitute address designated by the Attorney General as the program participant's address that the designated substitute address is no longer the person's address.

"**§ 15C-8. Address use by State or local agencies.**

(a) The program participant, and not the Attorney General, is responsible for requesting that agencies of North Carolina use the address designated by the Attorney General as the substitute address of the program participant.

(b) When a program participant submits a current and valid Address Confidentiality Program authorization card to an agency of North Carolina, the agency shall accept the address designation by the Attorney General as the program participant's substitute address when creating a new public record unless the Attorney General has determined that the agency has a statutory or administrative requirement that the agency is unable to fulfill without possession of the program participant's actual residential address and the address will be used only for those statutory or administrative purposes.

(c) An agency may submit a request for a waiver from the requirements of the Address Confidentiality Program to the Attorney General. The agency's waiver request must be in writing and include an explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures.

(d) The Attorney General's acceptance or denial of an agency's waiver request must be made in writing and include a statement of specific reasons for acceptance or denial. Acceptance or denial of an agency's waiver request is not subject to further review.

(e) A board of elections shall use the actual address of a program participant for all election-related purposes and shall keep the address confidential from the public under the provisions of G.S. 163-82.10(d). Use of the address on letters placed in the United States mail by a board of elections shall not be considered a breach of confidentiality. The substitute address designation provided by the Attorney General shall not be used as an address for voter registration or verification purposes.

(f) For purposes of levying and collecting property taxes on motor vehicles pursuant to Article 22A of Chapter 105 of the General Statutes, the Attorney General shall issue to the county, city, or town assessor or tax collector a list containing the names and actual addresses of program participants residing in that county, city, or town. This list shall only be used for the purposes of listing, appraisal, and assessment of motor vehicles and the collection of property taxes on motor vehicles in the county, city, or town. The county, city, or town assessor or tax collector or any current or former officer, employee, or agent of any county, city, or town, who in the course of service to or employment by the county, city, or town has access to the name and actual address of a program participant, may not disclose this information to any other person.

(g) The substitute address designated by the Attorney General shall not be used for purposes of listing, appraisal, and assessment of property and collection of taxes on property under the provisions of Subchapter II of Chapter 105 of the General Statutes.

(h) The substitute address designated by the Attorney General shall not be used as an address by any register of deeds for purposes of indexing land registered under Article 4 of Chapter 43 of the General Statutes in the index of registered instruments pursuant to G.S. 161-22.

(i) A local school administrative unit shall use the actual address of a program participant for any purpose related to admission or assignment pursuant to Article 25 of Chapter 115C of the General Statutes and shall keep the address confidential from the public under the provisions of this Article. The substitute address designated by the Attorney General shall not be used as an address for admission or assignment purposes. For purposes of student records created under Chapter 115C of the General Statutes, the substitute address designated by the Attorney General shall be used.

(j) A program participant's address and telephone number maintained by an agency of North Carolina is not a public record within the meaning of Chapter 132 of the General Statutes.

"**§ 15C-9. Disclosure of address prohibited.**

(a) The Attorney General is prohibited from disclosing any address or telephone number of a program participant other than the substitute address designated by the Attorney General, except under the following circumstances:

(1) The information is requested by a federal, state, or local law enforcement agency for official use only.

(2) The information is required by direction of a court order. However, any person to whom a program participant's address or telephone number has been disclosed shall not disclose the address or telephone number to any other person unless permitted to do so by order of the court.

(3) Upon request by an agency to verify the participation of a specific program participant when the verification is for official use only.

(4) Upon request by an agency, in the manner provided for by G.S. 15C-8.

(5) The program participant is required to disclose his or her actual address as part of a registration required by Article 27A of Chapter 14 of the General Statutes.

(b) The Attorney General shall provide immediate notification of disclosure to a program participant when disclosure is made pursuant to subdivision (2) or (4) of subsection (a) of this section.

(c) If, at the time of application, a program participant is subject to a court order related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court that issued the order of the certification of the program participant in the Address Confidentiality Program and the substitute address designated by the Attorney General. If, at the time of application, a program participant is involved in a court action related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court having jurisdiction over

the action of the certification of the program participant in the Address Confidentiality Program and the substitute address designated by the Attorney General.

(d) No person shall knowingly and intentionally obtain a program participant's actual address from the Attorney General or an agency knowing that he or she is not authorized to obtain the address information.

(e) No employee of the Attorney General or an agency shall knowingly and intentionally disclose a program participant's actual address to a person known to the employee to be prohibited from receiving the participant's actual address, unless such disclosure is permissible by law. This subsection only applies when an employee obtains a participant's actual address during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the address disclosed belongs to a person participating in the Program.

(f) Any person who knowingly and intentionally obtains or discloses information in violation of this Chapter shall be guilty of a Class 1 misdemeanor and assessed a fine not to exceed two thousand five hundred dollars ($2,500).

(g) A program participant's address or telephone number maintained by the Attorney General or disclosed by the Attorney General pursuant to this Chapter is not a public record within the meaning of Chapter 132 of the General Statutes.

"**§ 15C-10. Assistance for program applicants.**

The Attorney General shall designate agencies of North Carolina and nonprofit organizations that provide counseling and shelter services to victims of domestic violence, sexual offense, or stalking to assist persons applying to be program participants. Any assistance and counseling rendered by the Office of the Attorney General or its designee to applicants shall in no way be construed as legal advice.

"**§ 15C-11. Limited liability.**

The State, its agencies, and their officers, officials, employees, and agents, both past and present, in their official and individual capacities, shall be immune and held harmless from any liability in any action brought by or on behalf of any person injured or harmed by the actions or inactions of these entities and individuals in implementing this Chapter, provided that the entity or individual was acting in good faith and without malice. In any proceeding involving liability, good faith and lack of malice are presumed.

"**§ 15C-12. Rule-making authority.**

The Attorney General is authorized to adopt any rules deemed necessary to carry out the provisions of this Chapter.

"**§ 15C-13. Additional time for action.**

Whenever the laws of this State provide a program participant a legal right to act within a prescribed period of 10 days or less after the service of a notice or other paper upon the participant, and the notice or paper is served upon the participant by mail pursuant to this Chapter, five days shall be added to the prescribed period."

SECTION 2. G.S. 1A-1, Rule 6, is amended by adding a new subsection to read:

"(f) Additional time for Address Confidentiality Program participants. – Whenever a person participating in the Address Confidentiality Program established by

Chapter 15C of the General Statutes has a legal right to act within a prescribed period of 10 days or less after the service of a notice or other paper upon the participant, and the notice or paper is served upon the participant by mail, five days shall be added to the prescribed period."

SECTION 3. Article 2 of Chapter 51 of the General Statutes is amended by adding the following section:

"**§ 51-16.1. Form of license for Address Confidentiality Program participant.**

If a person submits to the local register of deeds a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes, the local register of deeds shall use the substitute address designated by the Address Confidentiality Program when creating a new marriage license."

SECTION 4. G.S. 115C-320 reads as rewritten:

"**§ 115C-320. Certain records open to inspection.**

Each local board of education shall maintain a record of each of its employees, showing the following information with respect to each employee: name, age, date of original employment or appointment, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned. Subject only to rules and regulations for the safekeeping of records adopted by the local board of education, every person having custody of the records shall permit them to be inspected and examined and copies made by any person during regular business hours. The name of a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall not be open to inspection and shall be redacted from any record released pursuant to this section. Any person who is denied access to any record for the purpose of inspecting, examining or copying the record shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief."

SECTION 5. G.S. 115C-366 is amended by adding a new subsection to read:

"(g) Any local school administrative unit may use the actual address of a program participant for any purpose related to admission or assignment pursuant to this Article as long as the address is kept confidential from the public under the provisions of Chapter 15C of the General Statutes. The substitute address designated by the Attorney General shall not be used as an address for admission or assignment purposes."

SECTION 6. G.S. 115C-402 is amended by adding a new subsection to read:

"(f) The actual address and telephone number of a student who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes or a student with a parent who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall be kept confidential from the public and shall not be disclosed except as provided in Chapter 15C of the General Statutes."

SECTION 7. G.S. 132.1.1 reads as rewritten:

"**§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing ~~information.~~information; Address Confidentiality Program information.**

(a) Confidential Communications. – Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

(b) State and Local Tax Information. – Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

(c) Public Enterprise Billing Information. – Billing information compiled and maintained by a city or county or other public entity providing utility services in connection with the ownership or operation of a public enterprise is not a public record as defined in G.S. 132-1. Nothing contained herein is intended to limit public disclosure by a city or county of billing information:

(i) that the city or county determines will be useful or necessary to assist bond counsel, bond underwriters, underwriters' counsel, rating agencies or investors or potential investors in making informed decisions regarding bonds or other obligations incurred or to be incurred with respect to the public enterprise;

(ii) that is necessary to assist the city, county, State, or public enterprise to maintain the integrity and quality of services it provides; or

(iii) that is necessary to assist law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties.

As used herein, "billing information" means any record or information, in whatever form, compiled or maintained with respect to individual customers by any owner or operator of a public enterprise, as defined in G.S. 160A-311 and G.S. 153A-274, or other public entity providing utility services, relating to services it provides or will provide to the customer.

(d) Address Confidentiality Program Information. – The actual address and telephone number of a program participant in the Address Confidentiality Program established under Chapter 15C of the General Statutes is not a public record within the meaning of Chapter 132. The actual address and telephone number of a program participant may not be disclosed except as provided in Chapter 15C of the General Statutes."

SECTION 8. G.S. 163-82.10(d) reads as rewritten:

"(d) Exception for Address of Certain Registered Voters. – Notwithstanding subsections (b) and (c) of this section, if a registered voter submits to the county board of elections a copy of a protective order without attachments, if any, issued to that person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting the access or contact of one or more persons with a registered voter or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes, accompanied by a signed statement that the voter has good reason to believe that the physical safety of the voter or a member of the voter's family residing with the voter would be jeopardized if the voter's address were open to public inspection, that voter's address is a public record but shall be kept confidential as long as the protective order remains in ~~effect.~~effect or the voter remains a certified program participant in the Address Confidentiality Program. That voter's name, precinct, and the other data contained in that voter's registration record shall remain a public record. That voter's signed statement submitted under this subsection is a public record but shall be kept confidential as long as the protective order remains in ~~effect.~~ effect or the voter remains a certified program participant in the Address Confidentiality Program. It is the responsibility of the voter to provide the county board with a copy of the valid protective order in ~~effect.~~ effect or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes. The voter's actual address may be used for any election-related purpose by any board of elections. That voter's address shall be available for inspection by a law enforcement agency or by a person identified in a court order, if inspection of the address by that person is directed by that court order. It shall not be a violation of this section if the address of a voter who is participating in the Address Confidentiality Program is discovered by a member of the public in public records disclosed by a county board of elections prior to December 1, 2001."

SECTION 9. This act shall not be construed to obligate the General Assembly to appropriate any funds to implement the provisions of this act. The Attorney General and all other agencies to which this act applies shall implement the provisions of this act with funds that are otherwise appropriated or available.

SECTION 10. This act becomes effective January 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1402

Committee Substitute Favorable 8/15/02

PROPOSED COMMITTEE SUBSTITUTE H1402-PCS6491-SW-90

Short Title: Address Confidentiality Program. (Public)

Sponsors:

Referred to:

April 26, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 15C.

"Address Confidentiality Program.

"**§ 15C-1. Purpose.**

The purpose of this Chapter is to enable the State and the agencies of North Carolina to respond to requests for public records without disclosing the location of a victim of domestic violence, sexual offense, or stalking; to enable interagency cooperation in providing address confidentiality for victims of domestic violence, sexual offense, or stalking; and to enable the State and its agencies to accept a program participant's use of an address designated by the Office of the Attorney General as a substitute address.

"**§ 15C-2. Definitions.**

The following definitions apply in this Chapter:

(1) Actual address or address. – A residential, work, or school street address as specified on the individual's application to be a program participant under this Chapter.

(2) Address Confidentiality Program or Program. – A program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, or stalking to prevent the victim's assailants or potential assailants from finding the victim through public records.

(3) Agency of North Carolina or agency. – Includes every elected or appointed State or local public office, public officer, or official;

institution, board, commission, bureau, council, department, authority, or other unit of government of the State or of any local government; or unit, special district, or other political subdivision of State or local government.

(4) Application assistant. – An employee of an agency or nonprofit organization who provides counseling, referral, shelter, or other specialized services to victims of domestic violence, sexual offense, or stalking and who has been designated by the Attorney General to assist individuals with applications to participate in the Address Confidentiality Program.

(5) Attorney General. – Office of the Attorney General.

(6) Person. – Any individual, corporation, limited liability company, partnership, trust, estate, or other association or any state, the United States, or any subdivision thereof.

(7) Program participant. – An individual accepted into the Address Confidentiality Program in accordance with this Chapter.

(8) Public record. – A public record as defined in Chapter 132 of the General Statutes.

(9) Substitute address. – An address designated by the Attorney General under the Address Confidentiality Program.

(10) Victim of domestic violence. – An individual against whom domestic violence, as described in G.S. 50B-1, has been committed.

(11) Victim of a sexual offense. – An individual against whom a sexual offense, as described in Article 7A of Chapter 14 of the General Statutes, has been committed.

(12) Victim of stalking. – An individual against whom stalking, as described in G.S. 14-277.3, has been committed.

"**§ 15C-3. Address Confidentiality Program.**

The General Assembly establishes the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the address of a relocated victim of domestic violence, sexual offense, or stalking to prevent the victim's assailants or potential assailants from finding the victim through public records. Under this Program, the Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail or certified or registered mail. The Attorney General shall not be required to forward any mail other than first-class mail or certified or registered mail to the program participant. The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered mail.

"**§ 15C-4. Filing and certification of applications; authorization card.**

(a) An individual who wants to participate in the Address Confidentiality Program shall file an application with the Attorney General with the assistance of an application assistant. Any of the following individuals may apply to the Attorney

General to have an address designated by the Attorney General to serve as the substitute address of the individual:

(1) An adult individual.

(2) A parent or guardian acting on behalf of a minor when the minor resides with the individual.

(3) A guardian acting on behalf of an incapacitated individual.

(b) The application shall be dated, signed, and verified by the applicant and shall be signed by the application assistant who assisted in the preparation of the application.

(c) The application shall contain all of the following:

(1) A statement by the applicant that the applicant is a victim of domestic violence, sexual offense, or stalking and that the applicant fears for the applicant's safety or the safety of the applicant's child.

(2) Evidence that the applicant is a victim of domestic violence, sexual offense, or stalking. This evidence may include any of the following:

a. Law enforcement, court, or other federal or state agency records or files.

b. Documentation from a domestic violence program if the applicant is alleged to be a victim of domestic violence.

c. Documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking.

(3) A statement by the applicant that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's child.

(4) A statement by the applicant that the applicant has or will confidentially relocate in North Carolina.

(5) A designation of the Attorney General as an agent for the applicant for purposes of service of process and the receipt of first-class mail or certified or registered mail.

(6) The mailing address and telephone number where the applicant can be contacted by the Attorney General.

(7) The address that the applicant requests not to be disclosed by the Attorney General that directly relates to the increased risk of domestic violence, sexual offense, or stalking.

(8) A statement as to whether there is any existing court order or court action involving the applicant related to divorce proceedings, child support, child custody, or child visitation and the court that issued the order or has jurisdiction over the action.

(9) A statement by the applicant that to the best of the applicant's knowledge, the information contained in the application is true.

(10) A recommendation of an application assistant that the applicant have an address designated by the Attorney General to serve as the substitute address of the applicant.

(d) Upon the filing of a properly completed application, the Attorney General shall certify the applicant as a program participant. Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card shall remain valid for so long as the program participant remains certified under the Program.

(e) Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or canceled prior to the end of the four-year period. A program participant may withdraw the certification by filing a request for withdrawal acknowledged before a notary with the Attorney General. A certification may be renewed by filing an application containing the information required by G.S. 15C-3 with the Attorney General at least 30 days prior to expiration of the current certification.

"**§ 15C-5. Change of name, address, or telephone number.**

(a) A program participant shall notify the Attorney General within 30 days after the program participant has obtained a legal name change by providing the Attorney General a certified copy of any judgment or order evidencing the change or any other documentation the Attorney General deems to be sufficient evidence of the name change. If the program participant fails to notify the Attorney General of a name change in the manner provided in this subsection, the Attorney General shall cancel the certification of the program participant in the Program.

(b) A program participant shall notify the Attorney General of a change in address or telephone number from the address or telephone number listed for the program participant on the application at least seven days before the change occurs. If the program participant fails to notify the Attorney General of a change in address or telephone number in the manner provided in this subsection, the Attorney General shall cancel the certification of the program participant in the Program.

"**§ 15C-6. Falsifying application information.**

An applicant who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's child or who knowingly provides false information when applying for certification or renewal shall lose certification in the Program. The Attorney General shall investigate violations of this section. Upon finding that a violation has occurred, the Attorney General shall assess a civil penalty against the applicant not to exceed five hundred dollars ($500.00).

"**§ 15C-7. Certification cancellation; records.**

(a) The Attorney General shall cancel the certification of a program participant under any of the following circumstances:

(1) The program participant files a request for withdrawal of the certification pursuant to G.S. 15C-4.

(2) The program participant fails to notify the Attorney General of a change in the program participant's name, address, or telephone number listed on the application pursuant to G.S. 15C-5.

(3) The program participant submitted false information in applying for certification to the Program in violation of G.S. 15C-6.

(4) Mail forwarded to the program participant by the Attorney General is returned as undeliverable.

(b) The provisions of Article 3 of Chapter 150B of the General Statutes shall not apply to any cancellation of certification by the Attorney General pursuant to subsection (a) of this section.

(c) The Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. The program participant shall have 30 days to appeal the cancellation decision under procedures developed by the Attorney General.

(d) Any records or documents pertaining to a program participant shall be maintained in accordance with The General Schedule for State Agencies as established by the Department of Cultural Resources.

(e) An individual who ceases to be a program participant is responsible for notifying persons who use the substitute address designated by the Attorney General as the program participant's address that the designated substitute address is no longer the individual's address.

"**§ 15C-8. Address use by State or local agencies.**

(a) The program participant, and not the Attorney General, is responsible for requesting that agencies of North Carolina use the address designated by the Attorney General as the substitute address of the program participant.

(b) Except as otherwise provided in this section, when a program participant submits a current and valid Address Confidentiality Program authorization card to an agency of North Carolina, the agency shall accept the address designation by the Attorney General on the authorization card as the program participant's substitute address when creating a new public record.

(c) An agency may request a waiver from the requirements of the Address Confidentiality Program by submitting a waiver request to the Attorney General. The agency's waiver request shall be in writing and include an explanation of why the agency cannot meet its statutory or administrative obligations by possessing or using the substitute address and an affirmation that, if the Attorney General accepts the waiver, the agency will only use the program participant's actual address for those statutory or administrative purposes.

(d) The Attorney General's acceptance or denial of an agency's waiver request shall be made in writing and include a statement of specific reasons for acceptance or denial. Acceptance or denial of an agency's waiver request is not subject to further review.

(e) A board of elections shall use the actual address of a program participant for all election-related purposes and shall keep the address confidential from the public under the provisions of G.S. 163-82.10(d). Use of the actual address on letters placed in the United States mail by a board of elections shall not be considered a breach of confidentiality. The substitute address designation provided by the Attorney General shall not be used as an address for voter registration or verification purposes.

(f) For purposes of levying and collecting property taxes on motor vehicles pursuant to Article 22A of Chapter 105 of the General Statutes, the Attorney General shall issue to the county, city, or town assessor or tax collector a list containing the names and actual addresses of program participants residing in that county, city, or

town. This list shall be used only for the purposes of listing, appraising, or assessing taxes on motor vehicles and collecting property taxes on motor vehicles in the county, city, or town. The county, city, or town assessor or tax collector or any current or former officer, employee, or agent of any county, city, or town, who in the course of service to or employment by the county, city, or town has access to the name and actual address of a program participant, shall not disclose this information to any other person.

(g) The substitute address designated by the Attorney General shall not be used for purposes of listing, appraising, or assessing taxes on property and collecting taxes on property under the provisions of Subchapter II of Chapter 105 of the General Statutes.

(h) The substitute address designated by the Attorney General shall not be used as an address by any register of deeds on recorded documents or for the purpose of indexing land registered under Article 4 of Chapter 43 of the General Statutes in the index of registered instruments pursuant to G.S. 161-22.

(i) A local school administrative unit shall use the actual address of a program participant for any purpose related to admission or assignment pursuant to Article 25 of Chapter 115C of the General Statutes and shall keep the actual address confidential from the public under the provisions of this Article. The substitute address designated by the Attorney General shall not be used as an address for admission or assignment purposes. For purposes of student records created under Chapter 115C of the General Statutes, the substitute address designated by the Attorney General shall be used.

(j) Except as otherwise provided in this section, a program participant's actual address and telephone number maintained by an agency of North Carolina is not a public record within the meaning of Chapter 132 of the General Statutes. A program participant's actual address or telephone number maintained by the Attorney General or disclosed by the Attorney General pursuant to this Chapter is not a public record within the meaning of Chapter 132 of the General Statutes.

"**§ 15C-9. Disclosure of address prohibited.**

(a) The Attorney General is prohibited from disclosing any address or telephone number of a program participant other than the substitute address designated by the Attorney General, except under the following circumstances:

(1) The information is requested by a federal, state, or local law enforcement agency for official use only.

(2) The information is required by direction of a court order. However, any person to whom a program participant's address or telephone number has been disclosed shall not disclose the address or telephone number to any other person unless permitted to do so by order of the court.

(3) Upon request by an agency to verify the participation of a specific program participant when the verification is for official use only.

(4) Upon request by an agency, in the manner provided for by G.S. 15C-8.

(5) The program participant is required to disclose the program participant's actual address as part of a registration required by Article 27A of Chapter 14 of the General Statutes.

(b) The Attorney General shall provide immediate notification of disclosure to a program participant when disclosure is made pursuant to subdivision (2) or (4) of subsection (a) of this section.

(c) If, at the time of application, an applicant is subject to a court order related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court that issued the order of the certification of the program participant in the Address Confidentiality Program and the substitute address designated by the Attorney General. If, at the time of application, an applicant is involved in a court action related to divorce proceedings, child support, child custody, or child visitation, the Attorney General shall notify the court having jurisdiction over the action of the certification of the applicant in the Address Confidentiality Program and the substitute address designated by the Attorney General.

(d) No person shall knowingly and intentionally obtain a program participant's actual address or telephone number from the Attorney General or an agency knowing that the person is not authorized to obtain the address information.

(e) No employee of the Attorney General or an agency shall knowingly and intentionally disclose a program participant's actual address or telephone number to a person known to the employee to be prohibited from receiving the program participant's actual address or telephone number, unless the disclosure is permissible by law. This subsection only applies when an employee obtains a program participant's actual address or telephone number during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a program participant.

(f) Any person who knowingly and intentionally obtains or discloses information in violation of this Chapter shall be guilty of a Class 1 misdemeanor and assessed a fine not to exceed two thousand five hundred dollars ($2,500).

"**§ 15C-10. Assistance for program applicants.**

The Attorney General shall designate agencies of North Carolina and nonprofit organizations that provide counseling and shelter services to victims of domestic violence, sexual offense, or stalking to assist individuals applying to be program participants. Any assistance and counseling rendered by the Office of the Attorney General or its designee to applicants shall in no way be construed as legal advice.

"**§ 15C-11. Limited liability.**

The State, agencies of North Carolina, and their officers, officials, employees, and agents, both past and present, in their official and individual capacities, shall be immune and held harmless from any liability in any action brought by or on behalf of any person injured or harmed by the actions or inactions of these entities and individuals in implementing this Chapter, provided that the entity or individual was acting in good faith and without malice. In any proceeding involving liability, good faith and lack of malice are presumed.

"**§ 15C-12. Rule-making authority.**

The Attorney General is authorized to adopt any rules deemed necessary to carry out the provisions of this Chapter.

"**§ 15C-13. Additional time for action.**

Whenever the laws of this State provide a program participant a legal right to act within a prescribed period of 10 days or less after the service of a notice or other paper upon the program participant, and the notice or paper is served upon the program participant by mail pursuant to this Chapter, five days shall be added to the prescribed period."

SECTION 2. G.S. 1A-1, Rule 6, is amended by adding a new subsection to read:

"(f) Additional time for Address Confidentiality Program participants. – Whenever a person participating in the Address Confidentiality Program established by Chapter 15C of the General Statutes has a legal right to act within a prescribed period of 10 days or less after the service of a notice or other paper upon the program participant, and the notice or paper is served upon the program participant by mail, five days shall be added to the prescribed period."

SECTION 3. Article 2 of Chapter 51 of the General Statutes is amended by adding the following section:

"**§ 51-16.1. Form of license for Address Confidentiality Program participant.**

If a person submits to the local register of deeds a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes, the local register of deeds shall use the substitute address designated by the Address Confidentiality Program when creating a new marriage license."

SECTION 4. G.S. 115C-320 reads as rewritten:

"**§ 115C-320. Certain records open to inspection.**

Each local board of education shall maintain a record of each of its employees, showing the following information with respect to each employee: name, age, date of original employment or appointment, current position, title, current salary, date and amount of most recent increase or decrease in salary, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office or station to which the employee is currently assigned. Subject only to rules and regulations for the safekeeping of records adopted by the local board of education, every person having custody of the records shall permit them to be inspected and examined and copies made by any person during regular business hours. The name of a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall not be open to inspection and shall be redacted from any record released pursuant to this section. Any person who is denied access to any record for the purpose of inspecting, examining or copying the record shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief."

SECTION 5. G.S. 115C-366 is amended by adding a new subsection to read:

"(g) Any local school administrative unit may use the actual address of a program participant for any purpose related to admission or assignment pursuant to this Article as long as the address is kept confidential from the public under the provisions of

Chapter 15C of the General Statutes. The substitute address designated by the Attorney General shall not be used as an address for admission or assignment purposes."

SECTION 6. G.S. 115C-402 is amended by adding a new subsection to read:

"(f) The actual address and telephone number of a student who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes or a student with a parent who is a participant in the Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes shall be kept confidential from the public and shall not be disclosed except as provided in Chapter 15C of the General Statutes."

SECTION 7. G.S. 132-1.1 reads as rewritten:

"**§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing ~~information.~~information; Address Confidentiality Program information.**

(a) Confidential Communications. – Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

(b) State and Local Tax Information. – Tax information may not be disclosed except as provided in G.S. 105-259. As used in this subsection, "tax information" has the same meaning as in G.S. 105-259. Local tax records that contain information about a taxpayer's income or receipts may not be disclosed except as provided in G.S. 153A-148.1 and G.S. 160A-208.1.

(c) Public Enterprise Billing Information. – Billing information compiled and maintained by a city or county or other public entity providing utility services in connection with the ownership or operation of a public enterprise is not a public record as defined in G.S. 132-1. Nothing contained herein is intended to limit public disclosure by a city or county of billing information:

(i) that the city or county determines will be useful or necessary to assist bond counsel, bond underwriters, underwriters' counsel, rating agencies or investors or potential investors in making informed decisions regarding bonds or other obligations incurred or to be incurred with respect to the public enterprise;

(ii) that is necessary to assist the city, county, State, or public enterprise to maintain the integrity and quality of services it provides; or

(iii) that is necessary to assist law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties.

As used herein, "billing information" means any record or information, in whatever form, compiled or maintained with respect to individual customers by any owner or operator of a public enterprise, as defined in G.S. 160A-311 and G.S. 153A-274, or other public entity providing utility services, relating to services it provides or will provide to the customer.

(d) Address Confidentiality Program Information. – The actual address and telephone number of a program participant in the Address Confidentiality Program established under Chapter 15C of the General Statutes is not a public record within the meaning of Chapter 132. The actual address and telephone number of a program participant may not be disclosed except as provided in Chapter 15C of the General Statutes."

SECTION 8. G.S. 163-82.10(d) reads as rewritten:

"(d) Exception for Address of Certain Registered Voters. – Notwithstanding subsections (b) and (c) of this section, if a registered voter submits to the county board of elections a copy of a protective order without attachments, if any, issued to that person under G.S. 50B-3 or a lawful order of any court of competent jurisdiction restricting the access or contact of one or more persons with a registered voter or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes, accompanied by a signed statement that the voter has good reason to believe that the physical safety of the voter or a member of the voter's family residing with the voter would be jeopardized if the voter's address were open to public inspection, that voter's address is a public record but shall be kept confidential as long as the protective order remains in ~~effect.~~effect or the voter remains a certified program participant in the Address Confidentiality Program. That voter's name, precinct, and the other data contained in that voter's registration record shall remain a public record. That voter's signed statement submitted under this subsection is a public record but shall be kept confidential as long as the protective order remains in ~~effect.~~ effect or the voter remains a certified program participant in the Address Confidentiality Program. It is the responsibility of the voter to provide the county board with a copy of the valid protective order in ~~effect.~~ effect or a current and valid Address Confidentiality Program authorization card issued pursuant to the provisions of Chapter 15C of the General Statutes. The voter's actual address shall be used for any election-related purpose by any board of elections. That voter's address shall be available for inspection by a law enforcement agency or by a person identified in a court order, if inspection of the address by that person is directed by that court order. It shall not be a violation of this section if the address of a voter who is participating in the Address Confidentiality Program is discovered by a member of the public in public records disclosed by a county board of elections prior to December 1, 2001."

SECTION 9. No General Fund appropriations shall be used to implement this act. The Attorney General and all other agencies to which this act applies shall implement the provisions of this act with funds that are or will become available as a result of the settlement of the case entitled State of Florida, et al. v. Nine West Group, Inc., and John Does 1-500, Civil Action No. 00 CIV 1707 (BDP), U.S.D.C., Southern District of New York, or other grants or funds that are not appropriated from the General Fund.

SECTION 10. This act becomes effective January 1, 2003.

HOUSE BILL 1402:
Address Confidentiality Program

BILL ANALYSIS

Committee:	Rules, Calendar, and Operations of the House	**Introduced by:**	Representative Jeffus
		Summary by:	Dianna W. Jessup, Committee Counsel
Date:	August 26, 2002		
Version:	PCS H1402-CSSW-90		

SUMMARY: ***The Proposed Committee Substitute for House Bill 1402 (PCS) would establish the Address Confidentiality Program in the Office of the Attorney General to protect the confidentiality of the addresses of relocated victims of domestic violence, sexual offense, or stalking. Under this Program, the Attorney General would designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail or certified or registered mail. State and local government agencies would use the address designated by the Attorney General as the program participant's substitute address when creating new public records.***

The PCS makes various technical and clarifying changes to the second edition. The PCS also adds language to the exception provision for the register of deeds to designate that the substitute address will not be used on recorded documents and also changes Section 9 to state that General Fund appropriations will not be used to implement the act. The act will be implemented using settlement funds from a nationwide antitrust lawsuit (see the Background section below).

BILL ANALYSIS:

Application

An adult, a parent or guardian acting on behalf of a minor who resides with an individual, or a guardian acting on behalf of an incapacitated individual may apply to the Address Confidentiality Program (Program) by submitting an application to the Attorney General. The application must include, among other information, evidence and a statement by the applicant that the applicant or the person on behalf of whom the applicant is applying is a victim of domestic violence, sexual offense, or stalking and a statement as to whether there is any existing court order or court action involving the applicant related to divorce proceedings, child support, child custody, or child visitation. The application must also contain a recommendation from an application assistant (who assists the applicant and signs the application) that the applicant should be certified to participate in the program. An applicant who knowingly provides false information in an application shall lose certification in the Program and be subject to a civil penalty not to exceed five hundred dollars ($500).

Substitute Address

Upon the filing of a properly completed application, the Attorney General will certify the applicant as a program participant. The Attorney General will designate a substitute address for the program participant and act as the agent of the program participant for purposes of service of process and receiving and forwarding first-class mail and certified or registered mail. The Attorney General will also issue the program participant an Address Confidentiality Program authorization card. The program participant may submit this card to a State or local government agency and the agency will accept the address designated by the Attorney General as the program participant's substitute address. This substitute address shall be used by agencies when creating a new public record except under the following circumstances:

- An agency receives a waiver from the Attorney General.
- A board of elections shall use the actual address of a program participant for all election related purposes and shall keep the address confidential from the public.

- For the purpose of levying and collecting property taxes on motor vehicles, the Attorney General shall issue to county, city, or town assessors or tax collectors lists containing the names and actual addresses of program participants residing in the county, city, or town, to be used for the purposes of listing, appraising, and assessing taxes on motor vehicles and collecting property taxes on motor vehicles.
- The substitute address will not be used for purposes of listing, appraising, and assessing taxes on property and collecting property taxes.
- Registers of deeds will use the actual address of a program participant for recorded instruments and for the purpose of indexing transactions involving land in the index of registered instruments.
- A local school administrative unit shall use the actual address of a program participant for any purpose related to admission or assignment and shall keep the address confidential from the public. The substitute address will, however, be used for purposes of student records. The name of a program participant contained in local board of education employee records will not be open for inspection and will be redacted prior to the release of records.

Cancellation of Certification

The Attorney General shall cancel the certification of a program participant under any of the following circumstances:

- The program participant requests the cancellation.
- The program participant fails to properly notify the Attorney General of a change in the program participant's name, address, or telephone number.
- The program participant submitted false information in applying for certification.
- Mail forwarded to the program participant by the Attorney General is returned as undeliverable.

Disclosure of Address Prohibited

The Attorney General may only disclose the address or telephone number of a program participant under the following circumstances:

- The information is requested by a federal, State, or local law enforcement agency.
- The information is required by direction of a court order.
- Upon request of an agency to verify the participation of a specific program participant.
- Upon request of an agency that has received a waiver from the Attorney General.
- The program participant is required to disclose his or her address as part of registration in a sex offender registration.
- If, at the time of application, a program participant is subject to a court order or involved in a court action related to divorce proceedings, child support, child custody, or child visitation.

The Attorney General will notify a program participant of an address disclosure in response to a court order or an agency waiver. No person shall knowingly and intentionally obtain a program participant's actual address from the Attorney General or an agency knowing that he or she is not authorized to do so. No employee of the Attorney General or an agency shall knowingly and intentionally disclose a program participant's actual address to a person known to the employee to be prohibited from receiving the information. Any person who knowingly and intentionally obtains or discloses information in violation of these provisions is guilty of a Class 1 misdemeanor and will be assessed a fine not to exceed two thousand five hundred dollars ($2,500).

Public Records

A program participant's address and telephone number maintained by the Attorney General or an agency is not a public record.

Limited Liability
The State, agencies of the State, and their officers and employees are immune from any liability in any action brought by or on behalf of any person injured or harmed by the actions or inactions of these entities or individuals in implementing the Program, provided they are acting in good faith and without malice.

Additional Time for Action
Whenever State law provides a program participant a legal right to act within a prescribed period of 10 days or less after the service of a notice or other paper upon the participant and the notice is served on the participant by mail, five days will be added to the prescribed period.

Funding
The Attorney General and all other agencies to which this act applies shall implement the provisions of this act with funds from the Nine West settlement or other grants or funds. No General Fund appropriations are to be used.

Effective Date
This act becomes effective January 1, 2003.

BACKGROUND:
In the case of State of Florida, et al. v. Nine West Group, Inc. and John Does 1-500, North Carolina and 55 other states and territories alleged that from January 1, 1988 through July 31, 1999, Nine West pressured retailers not to discount shoes it sold under the following brand names: Nine West, Enzo Angiolini, Easy Spirit, Bandolino, Calico, Capezio, Pappagallo, Evan-Picone, Joyce, Amalfi, 9 & Co, Selby, Westies and CK/Calvin Klein. Nine West did not admit that it engaged in price fixing, but did agree to pay the states $34 million on behalf of consumers who purchased Nine West shoes. According to the court-approved agreement, states must use the consumer fund, less costs associated with investigating and negotiating the settlement, to benefit health, educational, vocational, and/or safety programs geared toward women. It is the settlement funds from this action that would be used to implement this act.

Jeffrey Hudson substantially contributed to this summary. *H1402-SMSW-001*

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 1402 A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ADRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSE, AND STALKING.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the 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)

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

04-27-14
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cam Cole	BPMLL
Kim Hubbard	NCLM
Bill Scoggin	Kennedy Covington
Katherine Davis	EC
Leslie Bevacqua	NCCBI
Michelle Fralier	NC Bar Ass'n
Greg McLeod	DCCPS
John Rustin	NCFPC
~~Kirby Hall~~	NC Stakeholder
Jacy Quinn	Council for Women / Dr Commission
Leslie Starsoneck	" "
~~Kimberly Gunter~~	~~Victims~~ Attorney General's office
William Polk	AGO
Mark Benson	Capital Group
Jean Dixon	NCCADV
Frank Kilbane	Moore & Van Allen

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
HOUSE MEMBERS CONFERENCE ROOM
LEGISLATIVE BUILDING
August 28, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 1113 – EXTEND APPROPRIATIONS MODIFICATION ACT

ADJOURNMENT

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

August 28, 2002

The Committee on Rules, Calendar and Operations of the House met on August 28, 2002 at 3:05 pm in the House Members Conference Room. The following members were present: Representatives Culpepper, Chairman, Hackney, Vice Chairman; Barefoot, Boyd-McIntyre, Buchanan, Culp, Gulley, Jarrell, McMahan, Morgan, Rogers, Setzer, Thompson, Willingham and Yongue.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 1113 – AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002. A proposed House committee substitute changing the title to AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002 AND TO PROVIDE THAT NO MEMBER OF THE GENERAL ASSEMBLY SHALL RECEIVE PER DIEM OR TRAVEL ALLOWANCE ON ACCOUNT OF THE 2001 REGULAR SESSION OR 2002 EXTRA SESSION OF THE GENERAL ASSEMBLY BETWEEN OCTOBER 1, 2002 AND DECEMBER 31, 2002. was offered and Representative Barefoot moved for its adoption. Without objection, it was so ordered. The chairman stated that the proposed committee substitute cuts off daily expenses of the members of the General Assembly between the dates of October 1, 2002 and December 31, 2002. Following a short discussion, Representative Morgan made a motion that the proposed House committee substitute be given a favorable report, unfavorable to the Senate committee substitute. The motion carried.

There being no further business, the meeting adjourned at 3:10 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 1113

Appropriations/Base Budget Committee Substitute Adopted 8/27/02
Third Edition Engrossed 8/27/02

Short Title: Extend Appropriations Modification Act. (Public)

Sponsors:

Referred to:

May 29, 2002

A BILL TO BE ENTITLED

AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9 of S.L. 2002-12, as amended by S.L. 2002-54, reads as rewritten:

"**SECTION 9.** Except as otherwise provided in this act, this act becomes effective July 1, 2002, and expires ~~August 31, 2002.~~September 30, 2002."

SECTION 1.1. Between September 1, 2002, and December 31, 2002, no member may receive per diem or travel allowance on account of the 2001 Regular Session or 2002 Extra Session of the General Assembly, but this sentence does not affect per diem under G.S. 120-37(b).

SECTION 2. This act becomes effective August 31, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 1113

Appropriations/Base Budget Committee Substitute Adopted 8/27/02
Third Edition Engrossed 8/27/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1113-CSSW-91 [v.2]

8/28/2002 12:04:01 PM

Short Title: Extend Appropriations Modification Act. (Public)

Sponsors:

Referred to:

May 29, 2002

A BILL TO BE ENTITLED

AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002 AND TO PROVIDE THAT NO MEMBER OF THE GENERAL ASSEMBLY SHALL RECEIVE PER DIEM OR TRAVEL ALLOWANCE ON ACCOUNT OF THE 2001 REGULAR SESSION OR 2002 EXTRA SESSION OF THE GENERAL ASSEMBLY BETWEEN OCTOBER 1, 2002 AND DECEMBER 31, 2002.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9 of S.L. 2002-12, as amended by S.L. 2002-54, reads as rewritten:

"**SECTION 9.** Except as otherwise provided in this act, this act becomes effective July 1, 2002, and expires ~~August 31, 2002.~~September 30, 2002."

SECTION 2. Between October 1, 2002, and December 31, 2002, no member may receive per diem or travel allowance on account of the 2001 Regular Session or 2002 Extra Session of the General Assembly, but this sentence does not affect per diem under G.S. 120-37(b).

SECTION 3. This act becomes effective August 31, 2002.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 1113 A BILL TO BE ENTITLED AN ACT TO EXTEND S.L. 2002-12 TO SEPTEMBER 30, 2002.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
September 3, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 589 – STUDY 911 FUNDS

SB 94 – IMPLEMENT 4-YEAR TERMS AND SESSION LIMITS

ADJOURNMENT

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

September 3, 2002

The Committee on Rules, Calendar and Operations of the House met on September 3, 2002 at 1:00 p.m. .in. Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vic Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, McMahan, Michaux, Morgan, Rogers, Setzer, Sherrill, Thompson, Willingham, and Yongue. Also present were Baddour, Cunningham and Dedmon, ex officio members.

The following bills were considered:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 589 – AN ACT AUTHORIZING THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY CLARIFYING AND EXPANDING THE ALLOWED USES OF THE MONEY IN EMERGENCY TELEPHONE SYSTEM FUNDS AND MAKING OTHER STATUTORY CHANGES TO ALLOW EXPANDED USAGE OF TELECOMMUNICATIONS SYSTEMS FOR PUBLIC SAFETY PURPOSES. Representative Hill was recognized and sent forth a proposed House committee substitute changing the title to AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURAL QUARANTINE PROGRAMS. He moved for adoption of the proposed committee substitute for purposes of discussion. Without objection, it was so ordered. Representative Hill stated that the proposed committee substitute would allow all road vehicles, commonly known as ATV's, to be used on the highway while going from farm to farm in connection with the official agricultural pest quarantine program. He said that the proposed committee substitute had been reviewed by the Department of Motor Vehicles who have no objections to it. Glenn Jernigan, representing The Agricultural Alliance of North Carolina, and David McLeod, representing the Department of Agriculture, were recognized and spoke in favor of the bill. Representative Crawford moved that the proposed committee substitute be given a favorable report, unfavorable to House committee substitute #1, which motion carried.

COMMITTEE SUBSTITUTE FOR SENATE 94 – AN ACT TO IMPLEMENT CONSTITUTIONAL AMENDMENTS PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND FOR SESSION LENGTH LIMITS BY MAKING NECESSARY STATUTORY CHANGES. A proposed House committee substitute changing the title to AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS TO 180 DAYS FOR THE LONG SESSION AND 90 DAYS FOR THE SHORT SESSION was offered, and Representative Baddour moved for its adoption for purposes of discussion. Without objection, it was so ordered. Gerry Cohen, Director of the Bill Drafting Division, was recognized to explain the proposed committee substitute. He stated that it comes from a study made six years ago by a legislative committee which

recommended some session limits after looking at the experience of several other states. The proposed committee substitute provides that beginning with the 2003 session during odd numbered years the General Assembly can remain in session no more than 180 calendar days, although by a joint resolution the session may be extended one time by a joint resolution for not more than ten days. During even-numbered years the General Assembly shall remain in session for no more than 90 calendar days but may be extended for ten days by a joint resolution. All of the southeastern states with the exception of North Carolina have some form of session limits. If the bill passes, it would be on the referendum ballot in the general election this fall. During the discussion that followed, Representatives Baddour, Hill, McMahan, Dedmon, Barefoot and Yongue spoke in favor of the bill. Representatives Justus, Hackney, Gulley, Crawford, Luebke, Boyd McIntyre, and Allen opposed the bill. Representative Michaux sent forth an amendment that would provide for four-year terms for members of the General Assembly and moved for its adoption. Mr. Tom Gilmore, a former legislator, was recognized and opposed the amendment. By a roll call vote, the amendment failed 23 to 5. Representative Hackney sent forth a technical amendment and moved for its adoption. The motion carried. Representative Baddour sent forth an amendment and moved for its adoption, which motion passed. Further discussion of the bill followed after which Representative Baddour moved that the bill as amended be rolled into a committee substitute and that the committee substitute be given a favorable report, unfavorable to the original bill. By a roll call vote, the motion passed 15 to 13.

There being no further business the meeting adjourned at 2:40 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 589

House Committee Substitute Favorable 7/18/01

Short Title: Study 911 Funds. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY CLARIFYING AND EXPANDING THE ALLOWED USES OF THE MONEY IN EMERGENCY TELEPHONE SYSTEM FUNDS AND MAKING OTHER STATUTORY CHANGES TO ALLOW EXPANDED USAGE OF TELECOMMUNICATIONS SYSTEMS FOR PUBLIC SAFETY PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Utility Review Committee is authorized to study clarifying and expanding the allowed uses of the money in emergency telephone system funds and making other statutory changes for the purpose of expanding the use of telecommunications systems for public safety purposes. The Joint Legislative Utility Review Committee shall report its findings to the 2002 Regular Session of the 2001 General Assembly and may also report to the 2003 General Assembly.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 589

House Committee Substitute Favorable 7/18/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S589-PCS6894-SW-87

Short Title: Off-Road Veh/Agr. Quarantine Prog. Perm. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE HIGHWAY USE OF OFF-ROAD VEHICLES USED IN AGRICULTURAL QUARANTINE PROGRAMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-51 is amended by adding a new subdivision to read:

"**§ 20-51. Exempt from registration.**

The following shall be exempt from the requirement of registration and certificate of title:

...

(14) Any vehicle that meets all of the following:

a. Is designed for use in work off the highway.

b. Is used for agricultural quarantine programs under the supervision of the Department of Agriculture and Consumer Services.

c. Is driven or moved on the highway for the purpose of going to and from nonhighway projects.

d. Is identified in a manner approved by the Division of Motor Vehicles.

e. Is operated by a person who possesses an identification card issued by the Department of Agriculture and Consumer Services."

SECTION 2. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ House Committee Substitute for
S.B. 589 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY CLARIFYING AND EXPANDING THE ALLOWED USES OF THE MONEY IN EMERGENCY TELEPHONE SYSTEM FUNDS AND MAKING OTHER STATUTORY CHANGES TO ALLOW EXPANDED USAGE OF TELECOMMUNICATIONS SYSTEMS FOR PUBLIC SAFETY PURPOSES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the 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)

5/13/02

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
_____ the House amendment (s).
_____the House committee substitute bill.
____ 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 2001

S 2

SENATE BILL 94

Judiciary I Committee Substitute Adopted 4/23/01

Short Title: Implement 4-Year Terms and Session Limits. (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT CONSTITUTIONAL AMENDMENTS PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND FOR SESSION LENGTH LIMITS BY MAKING NECESSARY STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-140 reads as rewritten:

"**§ 7A-140. Number; election; term; qualification; oath.**

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he is to serve at the time ~~of the election for members of the General Assembly.~~ specified by Chapter 163 of the General Statutes. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of four years, beginning on the first Monday in December following his election.

Each district judge shall devote his full time to the duties of his office. He shall not practice law during his term, nor shall he during such term be the partner or associate of any person engaged in the practice of law.

Before entering upon his duties, each district judge, in addition to other oaths prescribed by law, shall take the oath of office prescribed for a judge of the General Court of Justice."

SECTION 2. G.S. 147-4 reads as rewritten:

"**§ 147-4. Executive officers – election; term; induction into office.**

The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor, who shall be elected for a term of four years, by the qualified electors of the State, ~~at the same time and places, and in the same manner, as members of the General Assembly are elected~~ as provided by Chapter 163 of the General

Statutes. Their term of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified. The persons having the highest number of votes, respectively, shall be declared duly elected, but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law."

SECTION 3. G.S. 152-1 reads as rewritten:

"**§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

In each county a coroner shall be elected by the qualified voters thereof ~~in the same manner and at the same time as the election of members of the General Assembly~~ as provided by Chapter 163 of the General Statutes, and shall hold office for a term of four years, or until his successor is elected and qualified.

A vacancy in the office of coroner shall be filled by the county commissioners, and the person so appointed shall, upon qualification, hold office until his successor is elected and qualified. If the coroner were elected as the nominee of a political party, then the county commissioners shall consult with the county executive committee of that political party before filling the vacancy, and shall appoint the person recommended by that committee if the party makes a recommendation within 30 days of the occurrence of the vacancy; this sentence shall apply only to the counties of Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford, Haywood, Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

When the coroner shall be out of the county, or shall for any reason be unable to hold the necessary inquest as provided by law, or there is a vacancy existing in the office of coroner which has not been filled by the county commissioners and it is made to appear to the clerk of the superior court by satisfactory evidence that a deceased person whose body has been found within the county probably came to his death by the criminal act or default of some person, it is the duty of the clerk to appoint some suitable person to act as coroner in such special case."

SECTION 4. G.S. 161-1 reads as rewritten:

"**§ 161-1. Election and term of office.**

In each county there shall be elected biennially by the qualified voters thereof, as provided ~~for the election of members of the General Assembly~~ by Chapter 163 of the General Statutes, a register of deeds."

SECTION 5. G.S. 162-1 reads as rewritten:

"**§ 162-1. Election and term of office.**

In each county a sheriff shall be elected by the qualified voters thereof, as is prescribed ~~for members of the General Assembly~~ by Chapter 163 of the General Statutes, and shall hold his office for four years."

SECTION 6. G.S. 163-1 is amended in the table by rewriting the "DATE OF ELECTION" entries for State Senator and member of the State House of

Representatives to read: "Tuesday next after the first Monday in November 2002 and every four years thereafter".

SECTION 7. G.S. 163-1 is further amended in the table by rewriting the "TERM OF OFFICE" entries for State Senator and member of the State House of Representatives to read: "Four years".

SECTION 8. G.S. 163-1 is further amended in the table by rewriting the "DATE OF ELECTION" entries for justices and judges of the Appellate Division, judges of the superior courts, judges of the district courts, district attorney, county commissioners, clerk of superior court, register of deeds, sheriff, and coroner, to read: "At the next regular statewide election for Governor or for members of the General Assembly, whichever comes first, immediately preceding the termination of each regular term".

SECTION 9. G.S. 163-8 reads as rewritten:

"**§ 163-8. Filling vacancies in State executive offices.**

If the office of Governor or Lieutenant Governor shall become vacant, the provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers shall be vacated by death, resignation, or otherwise than by expiration of term, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance. Each such vacancy shall be filled by election at the first election for members of the General Assembly or Governor, whichever occurs first, that occurs more than 60 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired four-year term: Provided, that when a vacancy occurs in any of the offices named in this section and the term expires on the first day of January succeeding the next election for members of the General Assembly or Governor, whichever comes first, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of that office until a person is appointed or elected pursuant to this section and Article III, Section 7 of the State Constitution, to fill the vacancy and is qualified."

SECTION 10. G.S. 163-9 reads as rewritten:

"**§ 163-9. Filling vacancies in State and district judicial offices.**

(a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court for causes other than expiration of term shall be filled by appointment of the Governor. An appointee to the office of Justice of the Supreme Court or judge of the Court of Appeals shall hold office until January 1 next following the election for members of the General Assembly or Governor that is held more than 60 days after the vacancy occurs, whichever comes first, at which time an election shall be held for an eight-year term and until a successor is elected and qualified.

(b) Except for judges specified in the next paragraph of this subsection, an appointee to the office of judge of superior court shall hold his place until the next election for members of the General Assembly or Governor that is held more than 60 days after the vacancy occurs, whichever comes first, at which time an election shall be held to fill the unexpired term of the office.

Appointees for judges of the superior court from any district:

(1) With only one resident judge; or

(2) In which no county is subject to section 5 of the Voting Rights Act of 1965,

shall hold the office until the next election of members of the General Assembly that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill an eight-year term.

(c) When the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

(d) Vacancies in the office of district judge which occur before the expiration of a term shall not be filled by election. Vacancies in the office of district judge shall be filled in accordance with G.S. 7A-142."

SECTION 11. G.S. 163-10 reads as rewritten:

"**§ 163-10. Filling vacancy in office of district attorney.**

Any vacancy occurring in the office of district attorney for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold his place until the next election for members of the General Assembly or Governor, whichever comes first, that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly or Governor, whichever comes first, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 12. G.S. 163-12 reads as rewritten:

"**§ 163-12. Filling vacancy in United States Senate.**

Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. The Governor shall issue his writ for the election of a Senator to be held at the time of the first election for members of the General Assembly or Governor, whichever comes first, that is held more than 60 days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns."

SECTION 13. Each statute and each local act which states that a vacancy in an elected office shall be filled until the next election for members of the General Assembly, or similarly relies on the date of General Assembly elections as determining

when an event is to take place or the duration of an appointment, shall be considered instead to use the date of the next statewide election for Governor or General Assembly, whichever comes first, as the determining date for whatever purpose the date of the General Assembly election is now used.

SECTION 14. G.S. 120-11.1 reads as rewritten:

"**§ 120-11.1. Time of meeting.**

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday in January~~ first Wednesday in December next after their ~~election.~~election or the election of the Governor."

SECTION 15. Sections 1 through 14 of this act shall take effect only upon approval of the voters of the constitutional amendments set forth in Sections 1 through 11 of AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS. If the constitutional amendments proposed in those sections are approved by the voters, Sections 1 through 14 of this act shall become effective at the same time as the constitutional amendments.

SECTION 16. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 94

Judiciary I Committee Substitute Adopted 4/23/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S94-CSLB-164 [v.1]

8/29/2002 4:57:57 PM

Short Title: Session Limits. (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS TO 180 DAYS FOR THE LONG SESSION AND 90 DAYS FOR THE SHORT SESSION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 11(1) of Article II of the North Carolina Constitution reads as rewritten:

"(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 2003, during an odd-numbered year the General Assembly shall remain in session for no more than 180 calendar days, except that this period may be extended by joint resolution once per regular session for not more than 10 days. If the regular session meets in even-numbered years, the General Assembly shall remain in session for no more than 90 calendar days, except that this period may be extended by joint resolution once per regular session for not more than 10 days. 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, other than a resolution of adjournment, may be taken by the General Assembly after the time limits prescribed in this section have expired."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide general election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"**[ ] FOR [ ] AGAINST**

Constitutional amendment limiting the length of the legislative session."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State whereupon the amendments shall become effective. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

SECTION 4. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 94

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S94-ALB-249 [v.1]

Date _____,2002

Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Representative Michaux

moves to amend the bill on page 1, line 4, by adding the following at the end: "AND BY AMENDING THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY"

FURTHER MOVES TO AMEND THE BILL ON PAGE 2, LINE 5, by adding the following between lines 5 and 6:

SECTION 3.1. Section 2 of Article II of the North Carolina Constitution reads as rewritten:

"**Sec. 2. Number of Senators.**

The Senate shall be composed of 50 Senators, ~~biennially~~ quadrennially chosen by ballot."

SECTION 3.2. Section 4 of Article II of the North Carolina Constitution reads as rewritten:

"**Sec. 4. Number of Representatives.**

The House of Representatives shall be composed of 120 Representatives, ~~biennially~~ quadrennially chosen by ballot."

SECTION 3.3. Section 8 of Article II of the North Carolina Constitution reads as rewritten:

"**Sec. 8. Elections.**

The election for members of the General Assembly shall be held for the respective districts in ~~1972~~ 2002 and every ~~two~~ four years thereafter, at the places and on the day prescribed by law."

SECTION 3.4. Section 14(1) of Article II of the North Carolina Constitution reads as rewritten:

"(1) President Pro Tempore - succession to presidency. The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve ~~until the expiration of his term of office as Senator.~~ until the first of:

(a) The expiration of the term of office as Senator; or

(b) The qualification of a new Lieutenant Governor."

SECTION 3.5. Section 2(1) of Article III of the North Carolina Constitution reads as rewritten:

"(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in ~~1972~~ 2000 and every four years thereafter, ~~at the same time and places as members of the General Assembly are elected~~ at the places and on the day prescribed by law. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified."

SECTION 3.6. Section 7 of Article III of the North Carolina Constitution reads as rewritten:

"**Sec. 7. Other elective officers.**

(1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in ~~1972~~ 2000 and every four years thereafter, at the same time and places as ~~members of the General Assembly are~~ the Governor is elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Duties. Their respective duties shall be prescribed by law.

(3) Vacancies. If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until ~~his~~ the successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly or Governor, whichever comes first, that occurs more than 60 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) Interim officers. Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

(5) Acting officers. During the physical or mental incapacity of any one of these officers to perform the duties of ~~his~~ the office, as determined pursuant to this Section, the duties of ~~his~~ the office shall be performed by an acting officer who shall be appointed by the Governor.

(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of ~~his~~ the office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered ~~his~~ the physical or mental capacity to perform the duties of ~~his~~ the office. Removal of those officers from office for any other cause shall be by impeachment.

(7) Special qualifications for Attorney General. Only persons duly authorized to practice law in the courts of this State shall be eligible for appointment or election as Attorney General."

SECTION 3.7. Section 9(3) of Article V of the North Carolina Constitution reads as rewritten:

"(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as

members of the General Assembly or the Governor are elected. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held."

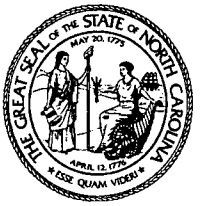
SECTION 3.8. Section 18(1) of Article IV of the North Carolina Constitution reads as rewritten:

"(1) District Attorneys. The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly or the Governor are elected. Only persons duly authorized to practice law in the courts of this State shall be eligible for election or appointment as a District Attorney. The District Attorney shall advise the officers of justice in ~~his~~ the district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of ~~his~~ the district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe."

SECTION 3.9. Section 19 of Article IV of the North Carolina Constitution reads as rewritten:

"**Sec. 19. Vacancies.**

Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly or Governor, whichever comes first, that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly or Governor, whichever comes first, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified."



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 94

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S94-ALB-249 [v.1]

SECTION 3.10. The amendments set out in Sections 3.1 through 3.9 of this act shall be submitted to the qualified voters of the State at the next statewide general election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendments making the term of members of the General Assembly four years, beginning with members elected in 2002, and making conforming amendments concerning the election of other officers, the filling of vacancies and the date of the beginning of the term."

SECTION 3.11. If a majority of votes cast on the question are in favor of the amendments set out in Sections 3.1 through 3.9 of this act, the State Board of Elections shall certify the amendments to the Secretary of State whereupon the amendments shall become effective. The constitutional amendments shall apply beginning with members of the General Assembly elected in the 2002 general election so that they shall begin serving four-year terms. The Secretary of State shall enroll the amendments so certified among the permanent records of that office."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 94

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S94-ALB-249 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED ✓ TABLED _____

ROLL CALL VOTE

5 YES 23 NO = _____(TOTAL) HB# ____ SB# 94

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

Michaux amendment

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Culpepper			
✓		Hackney		✓	Justus
	✓	Allen		✓	Luebke
	✓	Allred			McComas
	✓	Barefoot		✓	McCombs
	✓	Barnhart		✓	McMahan
✓		Boyd-McIntyre	✓		Michaux
✓		Buchanan		✓	Morgan
	✓	Crawford		✓	Rogers
	✓	Culp		✓	Setzer
	✓	Gibson		✓	Sherrill
	✓	Gulley		✓	Thompson
	✓	Hill		✓	Willingham
	✓	Jarrell		✓	Yongue
	✓	Ex officio Members Basnight			
	✓	Majority Leader Dedmon			
		Majority Whip			
		Majority Whip			
✓		Cunningham			

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 94 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

moves to amend the bill on page 1, line 11

( ) WHICH CHANGES THE TITLE

by deleting "~~session~~" and substituting "regular session"

and on page 1, line 15, delete "10" and substitute "10 calendar"

and on page 1, line 17, delete "calculations of" and substitute "time limits provided in"

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 94 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

moves to amend the bill on page 1, line 19

( ) WHICH CHANGES THE TITLE

by deleting "by the" and substituting "by that regular session of the"

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

ROLL CALL VOTE

15 YES 13 NO = _____(TOTAL) HB# _____ SB# _____

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

House Subcommittee on _____

Buddaus motion

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
	✓	Culpepper			
	✓	Hackney		✓	Justus
	✓	Allen		✓	Luebke
✓		Allred			McComas
✓		Barefoot		✓	McCombs
✓		Barnhart	✓		McMahan
	✓	Boyd-McIntyre		✓	Michaux
	✓	Buchanan	✓		Morgan
	✓	Crawford	✓		Rogers
✓		Culp	✓		Setzer
✓		Gibson	✓		Sherrill
	✓	Gulley		✓	Thompson
✓		Hill	✓		Willingham
	✓	Jarrell	✓		Yongue
		Ex officio Members			
✓		Majority Leader Buddaus			
✓		Majority Whip Redmon			
		Majority Whip			
	✓	Cunningham			

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 94 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CONSTITUTIONAL AMENDMENTS PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND FOR SESSION LENGTH LIMITS BY MAKING NECESSARY STATUTORY 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

VISITOR REGISTRATION SHEET

Rules & Calendar — Name of Committee

09/03/02 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Steve Woodson	NC Farm Bureau
Julie Woodson	NCCBI
Leslie Bevacqua	NCCBI
LESLIE BENGE	NCCBI
Eddie Caldwell	EERC
Michael Houser	The insider
Laura DeVivo	DENR
Michelle Frazier	NC Bar Assoc.
BILL RUSTIN	ACP
Andy Romanet	NCLM
Paula A. Stolf	Covenant w/NC's Children
Carole Lawler	EGHS
Karla Adams	[illegible]
Joe McClees	McClees Consulting
PAUL MEYER	NCACC
Chris Fitzsimon	Common Sense Foundation
MOLLY FREEMAN	NCAE
Kris Hunt	NC State Watch
Shanti Dubose	Charlotte Observer
John Nunn	NCFPC
Roz Sawyer	NCCCC
[illegible]	NCRA
R. Neal Wilson	NCHBA
[illegible]	NCPAHP
[illegible]	NCASA
[illegible]	Public Sch. Forum
[illegible]	SBE
Katherine Joyce	Electric Cooperatives

VISITOR REGISTRATION SHEET

Rules & Calendar
Name of Committee

09/03/08
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
	Sprint
Ryan Wescott	Sprint
Debra Dew	BellSouth
Elizabeth Dalton	Bone & Associates
Henry Jones	Attorney - Raleigh
	NCICU
Julie Donnelly	NC Public Radio
Stan Pace	VERIZON
Barry Smith	Freedom Newspapers
Stephanie Mann Simpson	NCAR
Susan Markham	PENC
Chad Essick	Edmisten & Webb
Gary McLeod	CCPS
THOMAS A SUTER	WYETH
	Mallon Co
Gene Causby	NCEsA
	AT&T
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN
Don McCorquodale	SAS
	Moore & Van Allen
BILL SCOGGIN	KENNEDY COVINGTON
	Progress Energy
	BCBSNC
Evelyn Hawthorne	GAA
Lisa Piercy	Capitol Group
Jon Carr	Jordan Price

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
HOUSE MEMBERS CONFERENCE ROOM
LEGISLATIVE BUILDING

September 10, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HR 1786 – RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT TO SUPPORT LEGISLATION TO ESTABLISH A TOBACCO QUOTA BUYOUT PROGRAM

HR 1787 – RESOLUTION RECOGNIZING CAROWINDS THEME PARK

HJR 1789 – JOINT RESOLUTION HONORING THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001

ADJOURNMENT

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

September 10, 2002

The Committee on Rules, Calendar and Operations of the House met on September 10, 2002 at 10:30 a.m. in the House Members Conference Room. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Barefoot, Culp, Gulley, Hill, Justus, McCombs, Michaux, Rogers, Setzer and Yongue. Also present were Cunningham and Earle, ex officio members.

The following resolutions were considered:

HOUSE RESOLUTION 1786 – A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO SUPPORT AND ENACT LEGISLATION TO ESTABLISH A TOBACCO QUOTA BUYOUT PROGRAM. Representative Hill sent forth a proposed committee substitute and moved for its adoption for purposes of discussion. Without objection, the chairman so ordered. Representative Hill was recognized to explain the bill. He said that the quota is outdated and serves no useful purpose. A buyout would allow the tobacco growers to be more competitive in the market and would provide a needed economic stimulus to the state over a period of time. The resolution is supported by the Tobacco Growers Association of North Carolina, the North Carolina Farm Bureau Federation of North Carolina and the North Carolina State Grange. Representative Rogers made a motion that the proposed committee substitute resolution be adopted, unfavorable as to the original resolution. The motion carried.

HOUSE RESOLUTION 1787 –A HOUSE RESOLUTION RECOGNIZING PARAMOUNT'S CAROWINDS THEME PARK FOR ITS NUMEROUS ACCOMPLISHMENTS IN ITS THIRTY-YEAR HISTORY. Representative Earle, sponsor, was recognized and stated that Paramount purchased the Park in 1983 and has since made improvements in excess of $60 million dollars. It is the major employer in the area. Representative Justus moved for adoption of the resolution, and the motion passed.

HOUSE JOINT RESOLUTION 1789 – A HOUSE RESOLUTION HONORING THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001. Representative Cox, sponsor, was not present, but the resolution was read and Representative Michaux , moved for a favorable report. The motion carried.

There being no further business, the meeting adjourned at 10:50 a.m.

Representative Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE RESOLUTION 1786

Sponsors: Representatives Hill, Fox, Cox, Warwick; Baker, Bell, Bonner, Buchanan, Coates, Culp, Davis, Eddins, Hilton, Kiser, Mitchell, Nye, Owens, Rogers, Russell, Teague, Tolson, Tucker, Underhill, Warren, Weatherly, G. Wilson, Yongue, Allred, Baddour, Barefoot, Carpenter, Church, Cole, J. Crawford, Culpepper, Cunningham, Dedmon, Earle, Gibson, Haire, Hall, Hensley, Howard, Hunter, Jarrell, Jeffus, Johnson, McLawhorn, Miner, Redwine, Saunders, Smith, Sutton, Wainwright, Walker, Warner, West, Willingham, and Wright.

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

August 29, 2002

A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO SUPPORT AND ENACT LEGISLATION TO ESTABLISH A TOBACCO QUOTA BUYOUT PROGRAM.

Whereas, the system of growing and marketing burley and flue-cured tobacco currently in place in the United States faces many challenges and changes due to contracting, lawsuits, governmental regulation, and foreign competition; and

Whereas, quota owners, tobacco growers, and the tobacco industry agree that a transition from the current system is needed; and

Whereas, a plan of transition which is fair and equitable to all quota owners and tobacco growers is needed to provide stability, uniformity, and certainty for quota owners, growers, and the tobacco industry; and

Whereas, protecting family farmers and minority farmers and preserving the production of tobacco for economic viability in rural communities is an important goal of the State; and

Whereas, a buyout of the quota owners and tobacco growers would provide a significant and needed economic stimulus over a period of time in the State of North Carolina during a time of economic distress; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges the Congress of the United States and the President to support and enact legislation that would establish a fair and equitable transition program for quota owners and tobacco growers and the tobacco industry that would buy out quota owners and tobacco growers.

SECTION 2. The Principal Clerk shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from North Carolina in the Congress of the United States.

SECTION 3. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE RESOLUTION 1786
PROPOSED COMMITTEE SUBSTITUTE H1786-CSST-112 [v.3]

9/10/2002 9:08:03 AM

Sponsors:

Referred to:

August 29, 2002

A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO SUPPORT AND ENACT LEGISLATION TO ESTABLISH A TOBACCO QUOTA BUYOUT PROGRAM.

Whereas, the system of growing and marketing burley and flue-cured tobacco currently in place in the United States faces many challenges and changes due to contracting, lawsuits, governmental regulation, and foreign competition; and

Whereas, quota owners, tobacco growers, and the tobacco industry agree that a transition from the current system is needed to ensure continued tobacco production; and

Whereas, a plan of transition that is fair and equitable to all quota owners and tobacco growers is needed to provide stability, uniformity, and certainty for quota owners, growers, and the tobacco industry; and

Whereas, protecting family farmers and minority farmers and preserving the production of tobacco for economic viability in rural communities is an important goal of the State; and

Whereas, a buyout of the quota owners and tobacco growers would provide a significant and needed economic stimulus over a period of time in the State of North Carolina during a time of economic distress; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives urges the Congress of the United States and the President to support and enact legislation that would establish a fair and equitable transition program for quota owners and tobacco growers and the tobacco industry that would buy out quota owners and tobacco growers.

SECTION 2. The Principal Clerk shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from North Carolina in the Congress of the United States.

SECTION 3. This resolution is effective upon adoption.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1786 A HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES AND THE PRESIDENT TO SUPPORT AND ENACT LEGISLATION TO ESTABLISH A TOBACCO QUOTA BUYOUT PROGRAM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with 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 the original resolution. (HOUSE RESOLUTION ONLY)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 1787

Sponsors:	Representatives Earle; Alexander, Bell, Cunningham, Easterling, Gibson, Harrington, McMahan, Rayfield, Saunders, Shubert, Walker, and C. Wilson.
Referred to:	Rules, Calendar, and Operations of the House.

August 29, 2002

A HOUSE RESOLUTION RECOGNIZING PARAMOUNT'S CAROWINDS THEME PARK FOR ITS NUMEROUS ACCOMPLISHMENTS IN ITS THIRTY-YEAR HISTORY.

Whereas, Paramount's Carowinds theme park has been a vital part of the North Carolina tourism industry during the past 30 years; and

Whereas, Paramount's Carowinds has employed more than 80,000 individuals in its three-decade history in our State; and

Whereas, Paramount's Carowinds has continued to grow and expand the park for tourists visiting our State through capital improvements and additions that exceed $108,000,000 in the past 30 years; and

Whereas, Paramount's Carowinds has been a generous supporter of numerous causes during the past 30 years, including the donation of more than $2,000,000 in admission tickets in 2001, and throughout the years opening its doors and providing admission to numerous children and other guests who would not otherwise have the chance to experience such a theme park adventure; and

Whereas, Paramount's Carowinds will entertain its 40 millionth guest in 2002; and

Whereas, Paramount's Carowinds has established itself as the number one gated tourist attraction in North Carolina; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives recognizes Paramount's Carowinds for its numerous accomplishments and contributions to the State.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to Paramount's Carowinds, the Charlotte Chamber of Commerce, the Charlotte Convention and Visitors Bureau, the Greater Charlotte Hospitality and Tourism Alliance, the Mecklenburg County Board of Commissioners, the Charlotte City Council, and the Office of the Mayor of the City of Charlotte.

SECTION 3. This resolution is effective upon adoption.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.R. 1787 A HOUSE RESOLUTION RECOGNIZING PARAMOUNT'S CAROWINDS THEME PARK FOR ITS NUMEROUS ACCOMPLISHMENTS IN ITS THIRTY-YEAR HISTORY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1788

Sponsors: Representatives Cox; Goodwin and Nye.

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

September 5, 2002

A JOINT RESOLUTION HONORING THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001.

Whereas, on September 11, 2001, the nation and world reacted in horror as two planes hijacked by terrorists crashed into the World Trade Center, a third into the Pentagon, and a fourth into a field in Shanksville, Pennsylvania; and

Whereas, hundreds of emergency service personnel, police officers, firefighters, port authority personnel, clergy members, and ordinary citizens rushed to the scenes of these horrific events without regard to their own safety to try to rescue, aid, and comfort victims; and

Whereas, despite their heroic efforts, thousands of people died on September 11, 2001, including some of those who tried to assist the victims; and

Whereas, in addition to Americans who were killed that day, people from more than 30 different countries also lost their lives in the World Trade Center, thereby making the attack on our country an international tragedy; and

Whereas, three North Carolinians lost their lives during this tragedy: including Sandra W. Bradshaw of Greensboro, a flight attendant aboard United Airlines Flight 93, which crashed in Shanksville, Pennsylvania, and Lt. Commander Eric Allen Cranford of Drexel and Christopher Lee Burford of Hubert, both members of the United States Navy who were killed at the Pentagon; and

Whereas, almost immediately after the attack on America, citizens, businesses, and people from around the world who were moved by the horrific events of the day began to make donations to the Red Cross and other charitable organizations to support the surviving victims and their families; and

Whereas, the nation stood firm against the cowardly acts of terrorism perpetuated against us and bravely hung flags from their homes, businesses, and automobiles to show the world that America would not be defeated; and

Whereas, the events of 9/11 not only impacted families but also had a devastating impact on the economy of New York City, the airline industry, and the entire country; and

Whereas, in response to the acts of terrorism, the United States and its allies declared a war on terrorism, and in October 2001 launched an attack on the Taliban government in Afghanistan and the al Qaeda organization to whom the Afghanistan government had given shelter within its borders; and

Whereas, many Americans, mostly military, have lost their lives in this war as they fought to defend the freedom of the people of this nation and the world; and

Whereas, on the anniversary of the attack on America, it is important to pay tribute to those who lost their lives and to express sympathy to their families; and

Whereas, it is also important to pay homage to the heroes of 9/11, including the men and women aboard United Airlines Flight 93, and the firefighters, law enforcement officers, emergency service personnel, volunteers, and others who selflessly gave of their time, resources, strength, and courage; Now, therefore,

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

SECTION 1. The General Assembly extends its deepest sympathy to those who lost loved ones as a result of the terrorist attack on September 11, 2001, including the families of three North Carolinians: Sandra W. Bradshaw of Greensboro, Lt. Commander Eric Allen Cranford of Drexel, and Christopher Lee Burford of Hubert.

SECTION 2. The General Assembly wishes to commend the heroes who showed remarkable courage and bravery on 9/11 and in the many months that followed.

SECTION 3. The General Assembly urges Congress to consider making September 11 a national holiday.

SECTION 4. The Secretary of State shall transmit a certified copy of this resolution to each member of North Carolina's congressional delegation.

SECTION 5. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1788 A JOINT RESOLUTION HONORING THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
September 17, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 2 – AUTHORIZE LOTTERY REFERENDUM

ADJOURNMENT

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

September 17, 2002

The Committee on Rules, Calendar and Operations of the House met on September 17, 2002 at 11:35 p.m. in Room 421 of the legislative office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Allred, Barefoot. Barnhart, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McCombs, McMahan, Michaux, Morgan, Setzer, Sherrill, Thompson, Willingham and Yongue. Also present were Cunningham and Earle, ex officio members.

The following bill was considered:

Committee Substitute for Senate Bill 2 – AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT A SUCCESSOR SUBJECT TO CONFIRMATION, AND TO PROVIDE THAT THE PROCEDURES FOR REMOVAL OF THE LIEUTENANT GOVERNOR ARE THE SAME AS THOSE FOR REMOVAL OF THE GOVERNOR. A proposed House committee substitute changing the title to ACT TO SUBMIT AN ADVISORY REFERENDUM TO THE VOTERS OF THE SATE DURING THE 2002 STATEWIDE GENERAL ELECTION ON ESTABLISHING AN EDUCATION LOTTERY AND PROVIDING THAT ANY ACTION BROUGHT REGARDING THIS ACT SHALL BE BROUGHT IN THE SUPERIOR COURT OF WAKE COUNTY was offered, and Representative Yongue moved for its adoption for purposes of discussion. Without objection, it was so ordered. Gerry Cohen, Director of Bill drafting, was recognized to explain the proposed committee substitute. He said that it proposes that there be an advisory referendum on the question of an education lottery to be voted on at the November general election. It also states how the proceeds of the lottery would be used if the General Assembly enacts an education lottery, and that any action contesting this act must be brought in the Superior Court of Wake County. The chairman informed the committee that the conference report returned to the conference committee contained lottery language, and a decision was made to remove that language. Further, if a vote occurs on the issue of a lottery, it will be a straight up or down vote. A discussion followed after which Representative Michaux moved that the House committee substitute be given a favorable report, unfavorable to the Senate committee substitute. The motion carried by a roll call vote of 15 to 9.

There being no further business, the meeting adjourned at 11:50 a.m.

Bill Culpepper

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 2
Corrected Copy 1/30/01
Judiciary I Committee Substitute Adopted 2/20/01

Short Title: Gubernatorial Team Ticket. (Public)

Sponsors:

Referred to:

January 25, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT A SUCCESSOR SUBJECT TO CONFIRMATION, AND TO PROVIDE THAT THE PROCEDURES FOR REMOVAL OF THE LIEUTENANT GOVERNOR ARE THE SAME AS THOSE FOR REMOVAL OF THE GOVERNOR.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of Article III of the North Carolina Constitution is amended by adding a new subsection to read:

"(3) Team election. In the general election, each candidate for the office of Governor shall form a joint candidacy with a candidate for Lieutenant Governor so that each voter shall cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together."

SECTION 2. Section 3 of Article III of the North Carolina Constitution reads as rewritten:

"Sec. 3. Succession to office of Governor.

(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor ~~whom he succeeds~~ and until a new Governor is elected and qualified.

(2) Succession as Acting Governor. During ~~the absence of the Governor from the State, or during~~ the physical or mental incapacity of the Governor to perform the duties of ~~his~~ office, the Lieutenant Governor shall be Acting Governor. The absence of the Governor from the State does not affect the power of the Governor, but the Governor may designate in writing those powers of the Governor that the Lieutenant Governor may exercise during such absence, or if there is no Lieutenant Governor or the Lieutenant Governor is absent from the State, that the next person in succession to be Acting Governor may exercise. The further order of succession as Acting Governor shall be prescribed by law.

(3) Physical incapacity. The Governor or Lieutenant Governor may, by a written statement filed with the Attorney General, declare that ~~he~~ the respective officer is physically incapable of performing the duties of ~~his~~ office, and may thereafter in the same manner declare that ~~he~~ the respective officer is physically capable of performing the duties of ~~his~~ office.

(4) Mental incapacity. The mental incapacity of the Governor or Lieutenant Governor to perform the duties of ~~his~~ office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor or Lieutenant Governor to perform the duties of ~~his~~ office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor or Lieutenant Governor such notice as it may deem proper and shall allow ~~him~~ that officer an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) Impeachment. Removal of the Governor or Lieutenant Governor from office for any other cause shall be by impeachment.

(6) Vacancy in office of Lieutenant Governor. If the office of Lieutenant Governor is vacated by death, resignation, or otherwise, it shall be the duty of the Governor, with the advice and consent of a majority of the Senate, to appoint another to serve until a successor is elected and qualified. The person chosen shall hold the office for the remainder of the unexpired term."

SECTION 3. Section 7(6) of Article III of the North Carolina Constitution reads as rewritten:

"(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor or Lieutenant Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of ~~his~~ office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered ~~his~~ the physical or mental capacity to perform the duties of ~~his~~ office. Removal of those officers from office for any other cause shall be by impeachment."

SECTION 4. The amendments set out in Sections 1 through 3 of this act shall be submitted to the qualified voters of the State at the general election in

November 2002, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] FOR [ ] AGAINST

Constitutional amendment providing that candidates for Governor and Lieutenant Governor shall be listed on the general election ballot as a team, and providing for the filling of vacancies in the office of Lieutenant Governor."

SECTION 5. If a majority of the votes cast on the question are in favor of the amendments set out in Sections 1 through 3 of this act, the State Board of Elections shall certify the amendments to the Secretary of State. The constitutional amendment in Section 1 of this act shall become effective beginning with candidacies for the 2004 General Election. The constitutional amendments in Sections 2 and 3 of this act become effective January 1, 2005. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

SECTION 6. Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-115.1. Party must nominate candidates for Governor and Lieutenant Governor.**

If a party nominates a candidate for Governor under this Article, it must also nominate a candidate for Lieutenant Governor, or the nomination as Governor is void. If a party nominates a candidate for Lieutenant Governor under this Article, it must also nominate a candidate for Governor, or the nomination as Lieutenant Governor is void."

SECTION 7. Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-108.2. Nomination of Lieutenant Governor.**

Except for G.S. 163-114 and G.S. 163-115.1, the provisions of this Article do not apply to the office of Lieutenant Governor. Nomination for such office is as provided by Article 11B of this Chapter."

SECTION 8. G.S. 163-98 reads as rewritten:

"**§ 163-98. General election participation by new political party.**

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for State, congressional, and national offices printed on the official ballots, but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party. The convention, if it nominates a candidate for Governor,

must also nominate a candidate for Lieutenant Governor, or the nomination for Governor shall be void except that if it fails to nominate a candidate for Lieutenant Governor, its candidate for Governor may nominate a candidate for Lieutenant Governor between July 1 and July 15. The convention, if it nominates a candidate for Lieutenant Governor, must also nominate a candidate for Governor, or the nomination for Lieutenant Governor is void."

SECTION 9. G.S. 163-122 is amended by adding a new subsection to read:

"(d) In filing petitions as an unaffiliated candidate, a petition for the office of Governor shall also contain the name of a candidate for Lieutenant Governor, and the petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a petition for the office of Lieutenant Governor shall also contain the name of a candidate for Governor, and the petition shall be a petition for both. The form of the petition requesting unaffiliated candidates to be placed on the ballot for Governor and Lieutenant Governor on the general election ballot shall contain on the heading of each page of the petition in bold print or in all capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN ..... COUNTY HEREBY PETITION ON BEHALF OF ..... AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR AND ..... AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S. 163-122.' "

SECTION 10. G.S. 163-140(b)(4) reads as rewritten:

"(4) State Ballot: Beneath the title and general instructions set out in this subsection, the ballot for single-seat contests for State officers, and for all State officers where mechanical voting machines are used shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having candidates for State offices and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for unaffiliated candidates shall be printed in large type the words 'Unaffiliated Candidates' Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: 'For a straight ticket, mark within this circle.' With distinct black lines, the State Board of Elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. The offices of Governor and Lieutenant Governor shall be combined on the State ballot and the nominees of each party or unaffiliated offices listed together so that a vote for a candidate for one of those offices is a vote for the candidates for both offices. Such team election of Governor and Lieutenant Governor is not a multiseat race for the purpose of subsection (f) of this section.

On a single line at the top of each section shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column, and the names of unaffiliated candidates shall be printed in the appropriate office section of the column headed 'Unaffiliated Candidates.' At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and unaffiliated column division, the following instructions shall be printed in heavy black type, and the words 'you must also' in instruction c. shall be underlined:

'a. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

b. You may vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

c. You may also vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of any candidate you choose of a different party. In any multi-seat race where a party circle is marked and you vote for candidates of another party, you must also make a cross (X) mark opposite the name of any candidate you choose of the party for which you marked the party circle to assure your vote will count.

d. If you tear or deface or wrongly mark this ballot, return it and get another.'

On the bottom of the ballot shall be printed an identified facsimile of the signature of the Chairman of the State Board of Elections. If the State ballot contains no multi-seat race, then the second sentence of instruction b. shall not appear on the ballot."

SECTION 11. G.S. 163-151(6) is amended by adding a new sub-subdivision to read:

"f. A write-in vote for a candidate for Governor shall not be counted unless that person has also written in the name of a candidate for Lieutenant Governor. A write-in vote for a candidate for Lieutenant Governor shall not be counted unless

that person has also written in the name of a candidate for Governor."

SECTION 12. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 11B.

"Nomination of Lieutenant Governor.

"**§ 163-127.1. Lieutenant Governor.**

Political parties nominating a candidate for Governor under Article 10 of this Chapter shall nominate a candidate for Lieutenant Governor in accordance with this Article.

"**§ 163-127.2. State executive committee or gubernatorial candidate to make nomination.**

Each party shall choose its nominee for Lieutenant Governor by its State executive committee except if the State executive committee fails to make a nomination by the last Monday in July, its candidate for Governor may nominate a person prior to the deadline in G.S. 163-127.3.

"**§ 163-127.3. Time of nomination.**

The nomination for Lieutenant Governor shall be made no earlier than the date that party's nomination for Governor is determined under G.S. 163-110, 163-111, or 163-112, as appropriate, and no later than the first Monday in August. The State Board of Elections shall be notified of the nomination for Lieutenant Governor no later than the first Monday in August. The State Board of Elections shall cause the name of the nominee to be printed on the general election ballots as if the nomination had been made by primary under Article 10 of this Chapter.

"**§ 163-127.4. Vacancies in nomination.**

If a party has nominated a candidate for Lieutenant Governor, and a vacancy occurs in that nomination, it shall be filled in accordance with G.S. 163-114 whether the nomination was made by the State convention under G.S. 163-98, or by the State executive committee or gubernatorial candidate under G.S. 163-98 or G.S. 163-127.2."

SECTION 13. G.S. 163-106(c) reads as rewritten:

"(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

Governor

~~Lieutenant Governor~~

All State executive officers

Justices of the Supreme Court, Judges of the Court of Appeals

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon

on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

State Senators

Members of the State House of Representatives

All county offices."

SECTION 14. G.S. 163-107(a) is amended by deleting in the schedule under "Office Sought", and "Amount of Filing Fee" the entries for "Lieutenant Governor".

SECTION 15. G.S. 163-107.1(b) reads as rewritten:

"(b) If the candidate is seeking the office of United States Senator, Governor, ~~Lieutenant Governor,~~ any State executive officer, Justice of the Supreme Court or Judge of the Court of Appeals, the petition must be signed by 10,000 registered voters who are members of the political party in whose primary the candidate desires to run, except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition must be signed by ten percent (10%) of the registered voters of the State who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 10,000 registered voters regardless of the voter's political party affiliation, whichever requirement is greater. The petition must be filed with the State Board of Elections not later than 12:00 noon on Monday preceding the filing deadline before the primary in which he seeks to run. The names on the petition shall be verified by the board of elections of the county where the signer is registered, and the petition must be presented to the county board of elections at least 15 days before the petition is due to be filed with the State Board of Elections. When a proper petition has been filed, the candidate's name shall be printed on the primary ballot."

SECTION 16. G.S. 163-111(c)(1) reads as rewritten:

"(1) A candidate who is apparently entitled to demand a second primary, according to the unofficial results, for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing or by telegram with the Executive Secretary-Director of the State Board of Elections no later than 12:00 noon on the seventh day (including Saturdays and Sundays) following the date on which the primary was conducted, and such request shall be subject to the certification of the official results by the State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Secretary-Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

Governor,

~~Lieutenant Governor,~~

All State executive officers,

Justices, Judges, or District Attorneys of the General Court of Justice, other than superior court judge
United States Senators,
Members of the United States House of Representatives,
State Senators in multi-county senatorial districts, and
Members of the State House of Representatives in multi-county representative districts."

SECTION 17. G.S. 163-1(b) reads as rewritten:

"(b) On Tuesday next after the first Monday in May preceding each general election to be held in November for the officers referred to in subsection (a) of this section other than Lieutenant Governor, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices."

SECTION 18. G.S. 163-123 is amended by adding a new subsection to read:

"(c1) Any declaration of intent filed under this section for the office of Governor shall be a joint declaration with another candidate for the office of Lieutenant Governor. Any declaration of intent filed under this section for the office of Lieutenant Governor shall be a joint declaration with another candidate for the office of Governor. The declaration shall be signed by both candidates. The State Board of Elections shall provide for a joint petition form for Governor and Lieutenant Governor in lieu of the one provided by subsection (d) of this section."

SECTION 19. G.S. 147-11.1(a)(2) reads as rewritten:

"(2) During ~~the absence of the Governor from the State, or during~~ the physical or mental incapacity of the Governor to perform the duties of ~~his~~ office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law."

SECTION 20. G.S. 147-11.1(c)(1) reads as rewritten:

"(1) If, by reason of ~~absence from the State or~~ physical or mental incapacity, there is neither a Governor nor a Lieutenant Governor qualified to discharge the powers and duties of the office of Governor, then the President of the Senate shall become Acting Governor."

SECTION 21. G.S. 147-11.1 is amended by adding a new subsection to read:

"(g) Designation of Powers to Be Exercised in the Absence of the Governor. – If the Governor is absent from the State and has designated some or all of the powers of the Governor to be exercised by the Lieutenant Governor (or the next person in succession if there is no Lieutenant Governor or the Lieutenant Governor is absent from the State), such designation shall be made by filing with the Secretary of State."

SECTION 22. Sections 6 through 21 of this act become effective only if the constitutional amendments proposed by Sections 1 through 3 of this act are approved as provided by Sections 4 and 5 of this act, and if so approved, Sections 6 through 18 of this act become effective beginning with the 2004 General Election and Sections 19 through 21 become effective January 1, 2005.

SECTION 23. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 2
Corrected Copy 1/30/01
Judiciary I Committee Substitute Adopted 2/20/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S2-PCS5856-SW-94

Short Title: Authorize Lottery Referendum. (Public)

Sponsors:

Referred to:

January 25, 2001

A BILL TO BE ENTITLED

AN ACT TO SUBMIT AN ADVISORY REFERENDUM TO THE VOTERS OF THE STATE DURING THE 2002 STATEWIDE GENERAL ELECTION ON ESTABLISHING AN EDUCATION LOTTERY AND PROVIDING THAT ANY ACTION BROUGHT REGARDING THIS ACT SHALL BE BROUGHT IN THE SUPERIOR COURT OF WAKE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The question of whether the voters of North Carolina want the General Assembly to enact an Education Lottery shall be submitted to the qualified voters of the State at an election on the question to be held at the 2002 statewide general election.

SECTION 2. If the General Assembly enacts an Education Lottery, the net proceeds from the Education Lottery shall be used to enable all North Carolina children to have the education they deserve. The funds shall be used to support a voluntary statewide prekindergarten program to prepare at-risk four-year-olds for school in order to close the gap that now exists, to reduce class sizes in our public schools and for costs associated therewith, and for such other educational needs as may be identified.

The funds from the Education Lottery shall supplement and not supplant other State funds appropriated for education.

SECTION 3. The election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[ ] YES [ ] NO
North Carolina should have an Education Lottery."

SECTION 4. Any action brought regarding this act shall be brought in the Superior Court of Wake County, which shall be the exclusive forum for hearing that action.

SECTION 5. This act is effective when it becomes law.

ROLL CALL VOTE

15 YES 9 NO = _____(TOTAL) HB# ____ SB# 2

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

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		[redacted]			
___	___	Hackney	___	✓	Justus
✓	___	Allen	___	___	Luebke
✓	___	Allred	___	___	McComas
✓	___	Barefoot	___	✓	McCombs
___	✓	Barnhart	___	✓	McMahan
___	___	Boyd-McIntyre	✓	___	Michaux
✓	___	Buchanan	___	✓	Morgan
✓	___	Crawford	___	___	Rogers
___	✓	Culp	___	✓	Setzer
✓	___	Gibson	✓	___	Sherrill
___	✓	Gulley	___	✓	Thompson
✓	___	Hill	✓	___	Willingham
✓	___	Jarrell	✓	___	Yongue
___	___		___	___	
___	___	Ex officio Members	___	___	
✓	___	BADOUR [redacted]	___	___	
___	___	[redacted]	___	___	
___	___	[redacted]	___	___	
✓	___	Cunningham	___	___	
✓	___	EARLE	___	___	
___	___				
___	___		___	___	
___	___		___	___	
___	___		___	___	

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

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

☒ Committee Substitute for

S.B. 2 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT A SUCCESSOR SUBJECT TO CONFIRMATION, AND TO PROVIDE THAT THE PROCEDURES FOR REMOVAL OF THE LIEUTENANT GOVERNOR ARE THE SAME AS THOSE FOR REMOVAL OF THE GOVERNOR.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

Sept. 17, 2002
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	SBE
Elyse Ashburn	The Daily Tar Heel
Lad Rubert	CJPC
Bon Ottavio	Wachovia
Bill Scoggin	Kennedy Covington
Kay McHon	Alley Associates, Inc.
Pam Wescott	Sprint
Estherene Davis	Electricities
Leslie Woodson	NCCBI
Cedar Payne	McGuire Woods Consulting - NC Education Lottery
Bruce Thompson	Parker Poe Adams & Bernstein, LLP
Barbara Canales	MFSS
Amy Jo Horne	NCMS
Michelle Frazier	NC Bar Assoc.
Bill Brooks	NCFPC
Leslie Bracaglia	NCCBI
Cam Cires	BPMHL
[illegible]	[illegible]
Pricy Harrison	Raleigh NC
William V. "Bill" Bell	Mayor Durham NC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
September 25, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 1640 – DUCK/MANTEO/CHOWAN COUNTY LOCAL AMENDMENTS

HJR 1805 – JOINT RESOLUTION HONORING PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES

SB 347 – USE OF STATE PROP./BLOUNT ST. HISTORIC DIST.

SB 163 – LEAs AND GROUP HOMES

HB 1568 – SEDIMENTATION ACT AMENDMENTS

ADJOURNMENT

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

September 25, 2002

The Committee on Rules, Calendar and Operations of the House met on September 25, 2002, at 4:50 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Allred, Barefoot, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, McComas, McCombs, McMahan, Rogers, Sherrill, Willingham and Yongue.

The following bills were considered:

COMMITTEE SUBSTITUTE #2 FOR HOUSE BILL 1640 – AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; AND TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY. The chairman asked Representative Hill to preside so that he, as sponsor, could present the bill. A proposed committee substitute changing the title to AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD was offered, and Representative McCombs moved for its adoption, which motion carried. The bill has been given favorable reports by the Committees on Local Government 1 and Finance, but was brought back to the Rules Committee to add provisions for the Town of Duck and Chowan County. Following the explanation of the added provisions, Representative Buchanan made a motion that the proposed committee substitute be given a favorable report, unfavorable to committee substitute #2. The motion carried.

HOUSE JOINT RESOLUTION 1805 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES. Representative Hill continued to preside and recognized Representative Culpepper to explain the resolution. He stated that Mr. Godwin was a conservative democrat who served in the House of Representatives from 1969 to 1972 during which time he rose to be the Speaker of the House. He also served in the Senate from 1973 and 1974. His other duties and accomplishments, were mentioned. Mr. Godwin died on December 12, 2001. Representative Allen moved that the resolution be given a favorable report. The motion passed.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 347 –AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT. A proposed House subcommittee substitute was offered, and Representative Barefoot moved for its adoption for purposes of discussion. Without objection, it was so ordered. The bill had been given a favorable report by the Cultural Resources Committee and later re-referred by the Speaker to this committee. The chairman explained that the original bill directed the North Carolina Capital Planning Commission, which is a statutory commission under the Department of Administration, to sell all of the state property in the capitol district bordered by North Person, Lane, North Wilmington and Peace Streets if it was determined that they were no longer needed for state use. Neither the State Property Office nor the Department of Cultural Resources were mentioned in the bill, and the proposed committee substitute recognizes that they should be involved in these decisions. The chairman also stated that the mayor of Raleigh, Mr. Charles Meeker, approves the way the matter is handled by the proposed committee substitute. Following discussion and comments, Representative McComas moved that House proposed committee substitute be given a favorable report, unfavorable to the original Senate bill. The motion carried.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 163 – AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED. A proposed committee substitute was offered, and Representative Crawford moved for its adoption for purposes of discussion. Without objection, it was so ordered. Representative Hurley was recognized to explain the proposed committee substitute. He stated that it removes Section 4 of the Senate bill and replaces it with a new Section 4. Section 4 of the first committee substitute pertained to the limitation of group homes on a ratio of one home per 733 people. It was thought by some that that section might violate the Federal Fair Housing Act. Discussion followed. An amendment was sent forth by Representative Yongue who moved for its adoption. The motion carried. Representative Rogers then sent forth an amendment and moved for its adoption, which motion passed. Representative Buchanan made a motion that the amendments be incorporated into a new House committee substitute and that the new committee substitute be given a favorable report, unfavorable to the first House committee substitution. The motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1568 – AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. A proposed committee substitute changing the title to AN ACT TO STRENGTHENED THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION was offered. Representative Willingham moved for its adoption, and the without objection, the chairman so ordered. Representative Weiss, bill sponsor, was recognized to explain the proposed committee substitute. She stated that the bill tries to address some of the problems of sedimentation pollution which is the leading form of water pollution in North Carolina. Representative Buchanan stated that his area opposes the bill because of the required buffers. George Givens, staff attorney, and Jim Simons with the Division of Land Resources, Department of Natural and Environment Resources, explained the provisions of the proposed committee substitute and answered questions of the committee. Representative Hill moved that the proposed committee substitute be given a favorable report, unfavorable to the previous committee substitute. The motion carried.

There being no further business, the meeting adjourned at 5:55 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 3

HOUSE BILL 1640

Committee Substitute Favorable 7/31/02

Committee Substitute #2 Favorable 9/5/02

Short Title: Duck/Manteo/Chowan County Local Amendments. (Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; AND TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-176.2(b) reads as rewritten:

"(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil Hills, Kitty Hawk, Long Beach, Manteo, Nags Head, Ocean Isle Beach, Southern Shores, Sunset Beach, Topsail Beach, Wrightsville Beach, and Yaupon Beach, and the City of Southport only."

SECTION 2. Section 4 of Chapter 991 of the 1983 Session Laws, Regular Session 1984, as amended by Section 23(a) of Chapter 646 of the 1995 Session Laws, Regular Session 1996, reads as rewritten:

"**Sec. 4.** District Established; Tax Levy. If a majority of the qualified voters voting in an election called under Section 1 of this act vote in favor of creating the Duck Area Beautification District and authorizing the levy and collection of an ad valorem tax in the district, the Dare County Board of Commissioners shall, upon receipt of a certified copy of the election results, adopt a resolution creating the Duck Area Beautification District and shall file a copy of the resolution with the clerk of superior court of Dare

County. ~~Upon establishing the Duck Area Beautification District, the Dare County Board of Commissioners~~ The Town Council of the Town of Duck may annually levy on behalf of the district an ad valorem tax on all taxable property in the district in an amount the ~~board~~ town council considers necessary to provide for the installation of underground power lines, not to exceed ten cents (10¢) for each one hundred dollars ($100.00) taxable valuation of property. The proceeds of this tax shall be used only to provide for the underground installation of power lines in the district."

SECTION 3. Section 5 of Chapter 991 of the 1983 Session Laws, Regular Session 1984, reads as rewritten:

"**Sec. 5.** Nature of District; Governing Body. If created, the Duck Area Beautification District shall be a body politic and corporate and shall have the power to provide for the installation of underground power lines and do all acts reasonably necessary to fulfill this purpose. The ~~Dare County Board of Commissioners~~ Town Council of the Town of Duck shall serve, ex officio, as the governing body of the district, and the officers of the ~~board of county commissioners~~ town council shall likewise serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present."

SECTION 4. Section 3 of S.L. 1993-610, as amended by S.L. 1995-101, reads as rewritten:

"**Sec. 3.** Tax Levy. – If a majority of the qualified voters voting on the question in an election called under Section 1 of this act vote in favor of authorizing the levy and collection of ad valorem taxes in the district, the Dare County Board of Commissioners may levy on behalf of the district the ad valorem tax on all taxable property in the district in an amount the Board considers necessary to construct the sidewalks within the district not to exceed five cents (5¢) for each one hundred dollars ($100.00) taxable valuation of property for two consecutive years beginning no later than the second fiscal year that begins after the election, and thereafter the ~~Board~~ Town Council of the Town of Duck may annually levy on behalf of the district an ad valorem tax in the amount necessary to maintain the sidewalks but not to exceed one cent (1¢) for each one hundred dollars ($100.00) taxable valuation of property. The proceeds of these taxes shall be used only to construct and maintain the sidewalks within the district."

SECTION 5. Section 4 of S.L. 1993-610 reads as rewritten:

"**Sec. 4.** Governing Body. – All matters relative to the construction and maintenance of the sidewalks shall be decided by the ~~Dare County Board of Commissioners,~~ Town Council of the Town of Duck, which is the governing body of the Duck Area Beautification District as provided in Chapter 991 of the 1983 Session Laws."

SECTION 6. Any Duck Area Beautification District tax levied by the Dare County Board of Commissioners pursuant to Chapter 991 of the 1983 Session Laws, Regular Session 1984, for the 2002 and prior tax years shall continue to be valid on and after the effective date of this act.

SECTION 7. G.S. 20-162(a) reads as rewritten:

"(a) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within 15 feet in either

direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways; provided, that local authorities may by ordinance decrease the distance within which a vehicle may park in either direction of a fire ~~hydrant.~~ hydrant or from the intersection of curb lines. The local authority may not decrease the distance from the intersection of curb lines to less than 15 feet."

SECTION 8. G.S. 153A-335 reads as rewritten:

"§ 153A-335. "Subdivision" defined.

For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into ~~two~~ three or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening streets; and

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision ~~regulations.~~regulations;

(5) The gift of a parent of a single lot to his or her child or each of his or her children where no new road is involved, provided:

a. That each and every lot has dedicated right-of-way access to the State-maintained road serving the principal parcel or direct access to an approved private road as defined in the ordinance; and

b. There are no more than three such conveyances."

SECTION 9. Section 7 of this act shall apply to the Town of Manteo only.

SECTION 10. Section 8 of this act shall apply to the County of Chowan only.

SECTION 11. Sections 2 through 6 of this act become effective January 1, 2003. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1640

Committee Substitute Favorable 7/31/02

Committee Substitute #2 Favorable 9/5/02

PROPOSED COMMITTEE SUBSTITUTE H1640-PCS5487-RW-73

Short Title: Duck/Manteo/Chowan County Local Amendments. (Local)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES IN CHOWAN COUNTY; AND TO ALTER THE COMPOSITION OF THE DARE COUNTY TOURISM BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-176.2(b) reads as rewritten:

"(b) Subsection (a) of this section applies to the Towns of Atlantic Beach, Cape Carteret, Carolina Beach, Caswell Beach, Duck, Emerald Isle, Holden Beach, Kill Devil Hills, Kitty Hawk, ~~Long Beach,~~ Manteo, Nags Head, Oak Island, Ocean Isle Beach, Southern Shores, Sunset Beach, Topsail Beach, and Wrightsville Beach, ~~and Yaupon Beach,~~ and the City of Southport only."

SECTION 2. Section 4 of Chapter 991 of the 1983 Session Laws, Regular Session 1984, as amended by Section 23(a) of Chapter 646 of the 1995 Session Laws, Regular Session 1996, reads as rewritten:

"**Sec. 4.** District Established; Tax Levy. If a majority of the qualified voters voting in an election called under Section 1 of this act vote in favor of creating the Duck Area Beautification District and authorizing the levy and collection of an ad valorem tax in

the district, the Dare County Board of Commissioners shall, upon receipt of a certified copy of the election results, adopt a resolution creating the Duck Area Beautification District and shall file a copy of the resolution with the clerk of superior court of Dare County. ~~Upon establishing the Duck Area Beautification District, the Dare County Board of Commissioners~~ The Town Council of the Town of Duck may annually levy on behalf of the district an ad valorem tax on all taxable property in the district in an amount the ~~board~~ town council considers necessary to provide for the installation of underground power lines, not to exceed ten cents (10¢) for each one hundred dollars ($100.00) taxable valuation of property. The proceeds of this tax shall be used only to provide for the underground installation of power lines in the district."

SECTION 3. Section 5 of Chapter 991 of the 1983 Session Laws, Regular Session 1984, reads as rewritten:

"**Sec. 5.** Nature of District; Governing Body. If created, the Duck Area Beautification District shall be a body politic and corporate and shall have the power to provide for the installation of underground power lines and do all acts reasonably necessary to fulfill this purpose. The ~~Dare County Board of Commissioners~~ Town Council of the Town of Duck shall serve, ex officio, as the governing body of the district, and the officers of the ~~board of county commissioners~~ town council shall likewise serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present."

SECTION 4. Section 3 of S.L. 1993-610, as amended by S.L. 1995-101, reads as rewritten:

"**Sec. 3.** Tax Levy. – If a majority of the qualified voters voting on the question in an election called under Section 1 of this act vote in favor of authorizing the levy and collection of ad valorem taxes in the district, the Dare County Board of Commissioners may levy on behalf of the district the ad valorem tax on all taxable property in the district in an amount the Board considers necessary to construct the sidewalks within the district not to exceed five cents (5¢) for each one hundred dollars ($100.00) taxable valuation of property for two consecutive years beginning no later than the second fiscal year that begins after the election, and thereafter the ~~Board~~ Town Council of the Town of Duck may annually levy on behalf of the district an ad valorem tax in the amount necessary to maintain the sidewalks but not to exceed one cent (1¢) for each one hundred dollars ($100.00) taxable valuation of property. The proceeds of these taxes shall be used only to construct and maintain the sidewalks within the district."

SECTION 5. Section 4 of S.L. 1993-610 reads as rewritten:

"**Sec. 4.** Governing Body. – All matters relative to the construction and maintenance of the sidewalks shall be decided by the ~~Dare County Board of Commissioners,~~ Town Council of the Town of Duck, which is the governing body of the Duck Area Beautification District as provided in Chapter 991 of the 1983 Session Laws."

SECTION 6. Any Duck Area Beautification District tax levied by the Dare County Board of Commissioners pursuant to Chapter 991 of the 1983 Session Laws, Regular Session 1984, for the 2002 and prior tax years shall continue to be valid on and after the effective date of this act.

SECTION 7. G.S. 20-162(a) reads as rewritten:

"(a) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within 15 feet in either direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the intersection of curb lines or if none, then within 15 feet of the intersection of property lines at an intersection of highways; provided, that local authorities may by ordinance decrease the distance within which a vehicle may park in either direction of a fire ~~hydrant.~~ hydrant or from the intersection of curb lines. The local authority shall not decrease the distance from the intersection of curb lines to less than 15 feet."

SECTION 8. G.S. 153A-335 reads as rewritten:

"**§ 153A-335. "Subdivision" defined.**

For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into ~~two~~ three or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening streets; ~~and~~

(4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision ~~regulations.~~regulations; and

(5) The gift of a parent of a single lot to the parent's child or each of the parent's children where no new road is involved, provided:

a. That each and every lot has dedicated right-of-way access to the State-maintained road serving the principal parcel or direct access to an approved private road as defined in the ordinance; and

b. There are no more than three conveyances under this subdivision."

SECTION 9. Effective with respect to appointments for terms commencing on or after January 1, 2003, Section 6(a) of Chapter 449 of the 1985 Session Laws, as rewritten by Chapter 177 of the 1991 Session Laws, reads as rewritten:

"(a) Appointment and Membership. When the Dare County Board of Commissioners adopts a resolution levying a tax under Section 3 and Section 4 of this act, it shall also adopt a resolution creating a tourism board to be known as the Dare

County Tourism Board, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The tourism board shall consist of 13 members appointed by the board of commissioners as provided below. Members of the tourism board must be residents of Dare County. Members shall serve two-year terms except as provided below. No member may serve more than two successive two-year terms.

(1) One member shall be a member of the board of directors of the Outer Banks Chamber of Commerce selected from nominees submitted by the board of directors of the Chamber of Commerce. This member shall serve an initial term of one year.

(2) One member shall be a member of the board of directors of the Dare County Restaurant Association selected from nominees submitted by the board of directors of the Dare County Restaurant Association. This member shall serve an initial term of two years.

(3) One member shall be a member of the board of directors of the Dare County Hotel/Motel Association selected from nominees submitted by the board of directors of the Dare County Hotel/Motel Association. This member shall serve an initial term of one year.

(4) One member shall be a member of the board of directors of the Dare County Board of Realtors selected from nominees submitted by the board of directors of the Dare County Board of Realtors. This member shall serve an initial term of two years.

(5) ~~Five~~ Six members shall be one member from each of the town boards of Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, and Manteo, who shall serve initial terms respectively of one year, two years, one year, two years, and one year, and one member from the town board of Duck, to serve an initial term of two years, and who shall be selected from nominees submitted by each of the respective town boards.

(6) One member shall be a Dare County Commissioner. This member shall serve an initial term of two years.

(7) ~~Three~~ Two members 'at large' shall be from anywhere within Dare County. One of these members must be a resident of Hatteras Island. Two of these members shall serve initial terms of one year, and one shall serve an initial term of two years.

The board of commissioners may remove a member of the tourism board only for good cause. Members shall serve the full term for which appointed regardless whether the member is no longer a member of the appropriate board designated above. The Dare County Board of Commissioners shall determine the compensation to be paid to members of the tourism board."

SECTION 10. Section 7 of this act shall apply to the Town of Manteo only.

SECTION 11. Section 8 of this act shall apply to the County of Chowan only and applies to all subdivisions created on or after June 16, 1992.

SECTION 12. Sections 2 through 6 of this act become effective January 1, 2003. The remainder of this act is effective when it becomes law.

HOUSE BILL 1640:
Town of Duck Watercraft and Beautification

BILL ANALYSIS

Committee:	House Rules Committee	**Introduced by:**	Rep. Culpepper
Date:	September 24, 2002	**Summary by:**	Giles S. Perry
Version:	Proposed Committee Substitute]		Committee Counsel

SUMMARY: ***House Bill 1640 makes five changes affecting the Town of Duck; Manteo, Chowan County and Dare County***

BILL ANALYSIS:

1

Currently, several coastal municipalities are authorized to adopt ordinances to regulate and control swimming, personal watercraft operation, surfing, and littering in the Atlantic Ocean and other waterways adjacent to the municipalities.

Section 1 of House Bill 1640 would add the Town of Duck to the group of municipalities authorized to regulate those activities, effective upon ratification.

2

Sections 2 through 6 of the bill make amendments to the law governing the existing Duck Area Beautification District, effective January 1, 2003.

The Duck Area Beautification District, created in 1984, is governed by the Dare County Board of Commissioners, and is authorized to levy a property tax for the purpose of placing power lines underground and to build and maintain sidewalks.

Theses sections would replace the Dare County Board of Commissioners with the Town Board of the Town of Duck (incorporated in 2001) as the governing Board of the Duck Area Beautification District.

3

Section 7 and 10 of the bill would authorize the Town of Manteo to enact an ordinance to decrease the distance within which a vehicle may park from the intersection of curb lines.

4

Section 8 would change the definition of subdivision in Chowan County, applicable to subdivisions created on or after June 16, 1992 in that County. The section would make the definition of subdivision applicable to division of land into three or more lots, and except from the definition certain conveyances from parents to children.

Section 9 of the bill would change the composition of the Dare County Tourism Board to authorize a embers from the new Town of Duck, and decrease by one the number of at large members.

The changes affecting the Duck Area Beautification District would become effective January 1, 2003. The remainder of the bill would become effective upon ratification.

H1640-SMRW-001

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 1640 A BILL TO BE ENTITLED AN ACT TO INCLUDE THE TOWN OF DUCK AS A MUNICIPALITY AUTHORIZED TO REGULATE AND CONTROL SWIMMING, PERSONAL WATERCRAFT, SURFING, AND LITTERING IN THE ATLANTIC OCEAN AND OTHER WATERWAYS ADJACENT TO THAT PORTION OF THE TOWN WITHIN ITS BOUNDARIES OR WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO DESIGNATE THE TOWN COUNCIL OF THE TOWN OF DUCK AS THE GOVERNING BODY OF THE DUCK AREA BEAUTIFICATION DISTRICT; TO PERMIT THE TOWN OF MANTEO TO DECREASE THE DISTANCE WITHIN WHICH A VEHICLE MAY PARK FROM THE INTERSECTION OF CURB LINES; AND TO AMEND THE DEFINITION OF SUBDIVISION AS IT APPLIES 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 ☐ ☐.

☒ With a favorable report as to the committee substitute bill # 3, ☒ which changes the title, unfavorable as to 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE JOINT RESOLUTION 1805

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

September 23, 2002

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, Philip Pittman Godwin, Sr. was born in Gatesville, North Carolina, to Adolphus Pilston Godwin, Sr. and Mabel Claire Hayes Godwin; and

Whereas, Philip Pittman Godwin, Sr. attended Fishburn Military School and Wake Forest University, where he earned a BS degree and an LL.B degree; and

Whereas, after law school, Philip Pittman Godwin, Sr. returned to his hometown of Gatesville and established a successful law practice; and

Whereas, Philip Pittman Godwin, Sr. was a member of several professional organizations, including the First District Bar Association, President from 1963 to 1964; the North Carolina State Bar; and the North Carolina Bar Association; and

Whereas, Philip Pittman Godwin, Sr. developed an interest in politics while in law school and during that time served as President of the Young Democrats Club in 1955; and

Whereas, Philip Pittman Godwin, Sr. was elected to the House of Representatives in 1960, where he served until 1972, representing the people of Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans Counties; and

Whereas, from 1969 to 1972, Philip Pittman Godwin, Sr. served as Speaker of the House of Representatives; and

Whereas, from 1973 through 1974, Philip Pittman Godwin, Sr. served as a member of the Senate; and

Whereas, during his tenure in the General Assembly, Philip Pittman Godwin, Sr. made significant contributions to the State and the district he represented both as a member and as a leader of numerous legislative committees and commissions; and

Whereas, Philip Pittman Godwin, Sr. served as a member of the Executive Committee of the National Conference of State Legislative Leaders and as a member of the Governing Board for the Southern Conference of Council of State Governments; and

Whereas, in the years after his service in the General Assembly, Philip Pittman Godwin, Sr. served as a lobbyist and as a member of the North Carolina Board of Transportation; and

Whereas, Philip Pittman Godwin, Sr. was active in the Gatesville Baptist Church and the Gatesville Masonic Lodge No. 126; and

Whereas, Philip Pittman Godwin, Sr. served as a Trustee of Chowan College and Wake Forest University; and

Whereas, Philip Pittman Godwin, Sr. was a veteran of the United States Air Force, serving in the Pacific Theatre during World War II; and

Whereas, Philip Pittman Godwin, Sr. was a loving husband to his wife, Anita Thomas Freeman Godwin, and a caring father and grandfather; and

Whereas, Philip Pittman Godwin, Sr. died on December 12, 2001; and

Whereas, Philip Pittman Godwin, Sr. is survived by his son, Philip Pittman Godwin, Jr. and two grandchildren, Hannah Pittman Godwin and Philip Pittman Godwin, III; Now, therefore,

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

SECTION 1. The General Assembly wishes to honor the life and memory of former member and Speaker of the House of Representatives, Philip Pittman Godwin, Sr. and to express its sympathy to the family and friends of Philip Pittman Godwin, Sr. for the loss of a beloved family member.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the family of Philip Pittman Godwin, Sr.

SECTION 3. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 1805 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PHILIP PITTMAN GODWIN, SR., FORMER SPEAKER OF THE 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 347

Rules and Operations of the Senate Committee Substitute Adopted 4/24/01

Short Title: Use of State Prop./Blount St. Historic Dist. (Public)

Sponsors:

Referred to:

March 6, 2001

A BILL TO BE ENTITLED

AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

Whereas, the North Carolina Capital Planning Commission adopted a master plan for the State government complex in Raleigh; and

Whereas, recommendations in the master plan for the Blount Street Historic District include (i) the introduction of residential land uses, (ii) infill along Blount Street with structures equal to the quality of existing structures, (iii) the systematic removal of most State offices from the existing structures, and (iv) the adaptive reuse for private residences of structures previously used for State office space; and

Whereas, implementation of the master plan will result in (i) the moving of State offices to more efficient structures, (ii) the preservation of historical structures and the historic district, and (iii) the revitalization of the area consistent with the principals of smart growth development; and

Whereas, the adaptation of property in this area to mixed residential and business use should be accomplished by the private sector and not by State government; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Modification of the Capital Area Master Plan to provide for the sale of certain properties. – Prior to May 1, 2002, the Department of Administration and the Capital Planning Commission shall modify the Capital Area Master Plan for State Government to provide for the sale to private or public entities of State-owned properties within the area bordered by North Person Street, Lane Street, North Wilmington Street, and Peace Street, except those properties which front on North Wilmington Street and which lie between the southern historic property line of the historic Merrimon House and Lane Street. The sales shall take place at such times as the Department determines that land is no longer needed for State purposes and that it is in the best interest of the State that the land be sold.

SECTION 1.(b) Preservation or conservation agreements required on all sales. – The sale of property in this area shall be subject to preservation or conservation agreements as defined in G.S. 121-35 that ensure that the use of the property is consistent with the historic and architectural character of the district. The Historic Preservation Foundation of North Carolina, Inc., shall be a party to all preservation or conservation agreements entered into pursuant to this act. The Historic Preservation Foundation of North Carolina, Inc., is authorized to enforce such agreements in accordance with G.S. 121-39.

SECTION 1.(c) Procedures for the sale of properties. – Due to (i) the significant architectural, archaeological, artistic, cultural, or historical associations of these properties, (ii) the properties' relationship to other property that is significant for architectural, archaeological, artistic, cultural, or historical associations, and (iii) the requirement that a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the State, these properties shall be sold by private negotiation and sale.

Advertisement of the availability of a property for sale shall occur at least 45 days prior to any private negotiations for the sale of the property.

Except for property intended for use as a private residence, an announcement of the terms of a proposed sale of property and an opportunity for public comment on the proposed sale shall occur at least 45 days prior to the sale. Property to be used as a private residence may be sold without the 45-day public comment period.

The Department of Administration shall use the services of the Historic Preservation Foundation of North Carolina, Inc., to assist it in the administration of this act.

SECTION 2. Use of the net proceeds of sales. – The net proceeds of any sale made in accordance with this act shall be handled in the following priority order:

(1) The funds shall be used in accordance with the provisions of any trust or other instrument of title under which title to the real property was acquired. The term "net proceeds" means the gross amount received from the sale of these properties less any expenses incurred incident to that sale, subject to regulations adopted by the Governor and approved by the Council of State.

(2) The next ten million dollars ($10,000,000) of the funds shall be placed in a special trust fund in the Department of State Treasurer, hereinafter to be held in trust and used solely for the upkeep, repair, and maintenance of the Executive Mansion. The State Treasurer, as custodian of the special trust fund, shall authorize the use of interest earned by the special trust fund only for purposes approved by the Executive Mansion Fine Arts Committee as provided in G.S. 143B-79(8). The State Treasurer shall authorize the use of the principal only as authorized by the General Assembly and approved by the Executive Mansion Fine Arts Committee as provided in G.S. 143B-79(8).

(3) The remainder of the funds shall be deposited in the General Fund.

SECTION 3.(a) Establishment of the Blount Street Historic District Oversight Committee. – The Blount Street Historic District Oversight Committee is established in the Office of the Governor.

SECTION 3.(b) Membership of the Committee. – The Committee shall consist of six members appointed as follows:

(1) Two members appointed by the Governor, one of whom shall be a person with experience in urban planning;

(2) Two members appointed by the President Pro Tempore of the Senate, one of whom shall be a person with experience in historic preservation; and

(3) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a resident of Historic Oakwood in Raleigh.

In making initial appointments to the Committee, the appointing officers shall designate one appointee to serve for a term of four years ending July 1, 2005, and one a term of six years ending July 1, 2007. Subsequent terms shall be for four years. A member shall continue to serve until the member's successor is appointed. A vacancy shall be filled for the remainder of the term by the officer who made the original appointment.

In making all appointments, the appointing officer shall consider the unique historic and architectural nature of the area and shall appoint people who are dedicated to preserving it.

SECTION 3.(c) Purpose of the Committee. – The purpose of the Committee shall be to monitor the implementation of this act.

SECTION 4. Implementation plan for this act. – Prior to September 1, 2001, the Department of Administration shall submit to the Blount Street Historic District Oversight Committee a plan for the implementation of this act and a schedule for implementation of the plan. The plan shall provide for the sale of any property that is vacant for more than three months. The plan shall also provide for the sale of property in separate parcels.

SECTION 5. G.S. 143B-79 reads as rewritten:

"**§ 143B-79.** Executive Mansion Fine Arts Committee – creation, powers and duties.

There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

(1) To advise the Secretary of Cultural Resources on the preservation and maintenance of the Executive Mansion located at 200 North Blount Street, Raleigh, North Carolina;

(2) To encourage gifts and objects of art, furniture and articles of historical value for furnishing the Executive Mansion, and advise the Secretary of Cultural Resources on major changes in the furnishings of the Mansion;

(3) To make recommendations to the Secretary of Cultural Resources concerning major renovations necessary to preserve and maintain the structure;

(4) To aid the Secretary of Cultural Resources in keeping a complete list of all gifts and articles received together with their history and value;

(4a) To advise the Secretary of Cultural Resources on the use of funds from the special trust fund held in trust by the State Treasurer for the upkeep, repair, and maintenance of the Executive Mansion. These funds shall not be expended without the approval of the Committee;

(5) No gifts or articles shall be accepted for the Executive Mansion without the approval of the Committee;

(6) The Committee shall advise the Secretary of Cultural Resources upon any matter the Secretary may refer to it; and

(7) The Committee may dispose of property held in the Executive Mansion after consultation with a review committee comprised of one person from the Executive Mansion Fine Arts Committee, appointed by its chairman; one person from the Department of Administration appointed by the Secretary of Administration; and two qualified professionals from the Department of Cultural Resources, Division of Archives and History, appointed by the Secretary of Cultural Resources. Upon request of the Executive Mansion Fine Arts Committee, the review committee will view proposed items for disposition and make a recommendation to the North Carolina Historical Commission who will make a final decision. The Historical Commission must consider whether the disposition is in the best interest of the State of North Carolina. If such property is sold, (i) if the records with regard to the property reflect that it was acquired by the State by gift or devise the net proceeds of each such sale shall be deposited in the State Treasury to the credit of the Executive Mansion, Special Fund, and shall be used only for the purchase, conservation, restoration or repair of other property for use in the Executive Mansion and; (ii) if the records with regard to the property reflect that the property was acquired by the State by purchase with appropriated funds or do not show the manner of acquisition, the net proceeds of such sale shall be deposited in the General Fund."

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 347

Rules and Operations of the Senate Committee Substitute Adopted 4/24/01
House Committee Substitute Favorable 5/9/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S347-PCS4779-SW-92

Short Title: Use of State Prop./Blount St. Historic Dist. (Public)

Sponsors:

Referred to:

March 6, 2001

A BILL TO BE ENTITLED

AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Capital Planning Commission, in consultation with the State Property Office in the Department of Administration and the Department of Cultural Resources, shall examine the State-owned properties within the area bordered by North Person Street, Lane Street, North Wilmington Street, and Peace Street to determine whether any of the properties no longer have any use to the State or should for any other reason be disposed of by the State. The Commission shall report its findings and recommendations, including any recommended legislation, to the Joint Legislative Commission on Governmental Operations on or before January 15, 2003. This report shall include the following:

(1) For each property within the specified area, a detailed explanation of the current use and recommendation for the future use of the property.

(2) A description of each property recommended for disposal and an explanation as to why disposal of the property is appropriate.

(3) A timetable for the disposal of any properties recommended for disposal.

(4) Recommendations for the manner of disposal of any of the properties recommended for disposal with an explanation as to why a particular manner is recommended.

(5) A detailed explanation of the cost to the State of disposing of any property, including the cost of relocating any State offices.

(6) Recommendations for where any State offices in properties recommended for disposal should be relocated.

SECTION 2. This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ House Committee Substitute for
S.B. 347 A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on ..)

☒ With a favorable report as to House committee substitute bill #2, unfavorable as to House committee substitute bill #1.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 163

Rules and Operations of the Senate Committee Substitute Adopted 10/3/01
House Committee Substitute Favorable 9/4/02

Short Title: LEAs and Group Homes. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 21.60(g) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.60.(g)** The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall report on the following Program information:

(1) The number and other demographic information of children served.

(2) The amount and source of funds expended to implement the Program.

(3) Information regarding the number of children screened, specific placement of children including the placement of children in programs or facilities outside of the child's home county, and treatment needs of children served.

(4) The average length of stay in residential treatment, transition, and return to home.

(5) The number of children diverted from institutions or other out-of-home placements such as training schools and State psychiatric hospitals and a description of the services provided.

(6) Recommendations on other areas of the Program that need to be improved.

(7) Other information relevant to successful implementation of the Program.

(8) A method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings."

SECTION 1.(b) The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall submit a report on April 1, 2003, on the method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division.

SECTION 2. G.S. 115C-140.1(a) reads as rewritten:

"(a) Notwithstanding the provisions of any other statute and without regard for the place of domicile of a parent or guardian, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility."

SECTION 3. The State Board of Education shall revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide to local school administrative units an amount greater than the State per funded headcount for children with special needs placed outside their home counties in counties where there is higher than average concentration of group homes or therapeutic foster care homes serving children in the county.

SECTION 4. No additional group homes shall be approved, opened, licensed, or built in any county where the number of residential treatment homes and supervised living homes for individuals of all disability groups beds exceeds 1 per 733 people, according to the most recent federal decennial census. This section shall not apply to group homes that have a contract for services with an area mental health program or a local management entity.

SECTION 5. The State Board of Education shall provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received Group Homes Program funds for that child for a portion of the preceding school year.

SECTION 6. This act becomes effective January 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 163

Rules and Operations of the Senate Committee Substitute Adopted 10/3/01
House Committee Substitute Favorable 9/4/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S163-PCS5861-ST-113

Short Title: LEAs and Group Homes. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 21.60(g) of S.L. 2001-424 reads as rewritten:

"**SECTION 21.60.(g)** The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall report on the following Program information:

(1) The number and other demographic information of children served.

(2) The amount and source of funds expended to implement the Program.

(3) Information regarding the number of children screened, specific placement of children including the placement of children in programs or facilities outside of the child's home county, and treatment needs of children served.

(4) The average length of stay in residential treatment, transition, and return to home.

(5) The number of children diverted from institutions or other out-of-home placements such as training schools and State psychiatric hospitals and a description of the services provided.

(6) Recommendations on other areas of the Program that need to be improved.

(7) Other information relevant to successful implementation of the Program.

(8) A method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings."

SECTION 1.(b) The Department of Health and Human Services, in conjunction with the Department of Juvenile Justice and Delinquency Prevention, the Department of Public Instruction, and other affected agencies, shall submit a report on April 1, 2003, on the method of identifying and tracking children placed outside of the family unit in group homes or therapeutic foster care home settings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division.

SECTION 2. G.S. 115C-140.1(a) reads as rewritten:

"(a) Notwithstanding the provisions of any other statute and without regard for the place of domicile of a parent or guardian, the cost of a free appropriate public education for a child with special needs who is placed in or assigned to a group home, foster home or other similar facility, pursuant to State and federal law, shall be borne by the local board of education in which the group home, foster home or other similar facility is located. However, the local school administrative unit in which a child is domiciled shall transfer to the local school administrative unit in which the institution is located an amount equal to the actual local cost in excess of State and federal funding required to educate that child in the local school administrative unit for the fiscal year. Nothing in this section obligates any local board of education to bear any cost for the care and maintenance of a child with special needs in a group home, foster home or other similar facility."

SECTION 3. The State Board of Education shall revise the formula for State Aid for Children with Disabilities and the Group Homes formula to provide to local school administrative units an amount greater than the State per funded headcount for children with special needs placed outside their home counties in counties where there is higher than average concentration of group homes or therapeutic foster care homes serving children in the county.

SECTION 4. The State Board of Education shall provide for a local school administrative unit to request funds from the Group Homes Program for Children with Disabilities if a child assigned to that unit was not in that unit's April headcount for exceptional children for the previous school year, even if the local school administrative unit received Group Homes Program funds for that child for a portion of the preceding school year.

SECTION 5. This act becomes effective January 1, 2003.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ House Committee Substitute for
S.B. 163 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill #2, 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 1568
Committee Substitute Favorable 6/25/02

Short Title: Sedimentation Act Amendments. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-54.1 is amended by adding a new subsection to read:

"(e) An approved erosion and sedimentation control plan shall contain a schedule for the inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). The person submitting the erosion and sedimentation control plan or an agent of the person submitting the erosion and sedimentation control plan shall perform each inspection. The person who performs each inspection shall post a record of the inspection on the site of the land-disturbing activity. The record shall certify that the work has been completed in accordance with the approved erosion and sedimentation control plan and is being maintained in a manner that satisfies the requirements of this Article. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1."

SECTION 2. G.S. 113A-54.2(a) reads as rewritten:

"(a) The fee for the review of an erosion and sedimentation control plan and related compliance activities shall be one hundred fifty dollars ($150.00) per acre of disturbed land as shown on an erosion and sedimentation control plan or of land disturbed during the life of the project, whichever is greater. ~~The Commission may establish a fee schedule for the review and approval of erosion control plans under this Article. In establishing the fee schedule, the Commission shall consider the administrative and personnel costs incurred by the Department for reviewing the plans and for related compliance activities. An application fee may not exceed fifty dollars ($50.00) per acre of disturbed land shown on an erosion control plan or of land actually disturbed during the life of the project.~~"

SECTION 3. G.S. 113A-56 reads as rewritten:

"**§ 113A-56. Jurisdiction of the Commission.**

(a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that ~~are:~~ are any of the following:

(1) Conducted by the ~~State;~~ State.

(2) Conducted by the United ~~States;~~ States.

(3) Conducted by persons having the power of eminent ~~domain;~~ domain other than a local government.

~~(4) Conducted by local governments; or~~

(5) Funded in whole or in part by the State or the United States.

(b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in whole or in part, to any other State agency that has submitted an erosion and sedimentation control program to be administered by it, if such program has been approved by the Commission as being in conformity with the general State program.

(c) The Commission shall have concurrent jurisdiction with local governments that have an approved erosion and sedimentation control program over all other land-disturbing activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the Commission has the following authority with respect to an approved erosion and sedimentation control program:

(1) To review an erosion and sedimentation control plan approved by an approved erosion and sedimentation control program and to require a revised plan if the Commission determines that the plan does not comply with the requirements of this Article or the rules adopted pursuant to this Article.

(2) To take inspection and enforcement action if the Commission determines that the local government has failed to take appropriate inspection or enforcement action."

SECTION 4. G.S. 113A-57 reads as rewritten:

"**§ 113A-57. Mandatory standards for land-disturbing activity.**

No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements:

(1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Sedimentation Control Commission may approve plans which include land-disturbing activity along trout

waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

(2) The angle for graded slopes and fills shall be no greater than the angle ~~which~~ that can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within ~~15~~ 10 working days or ~~30~~ 21 calendar days of completion of any phase of grading, whichever period is shorter, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(3) Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one acre is uncovered, the person conducting the land-disturbing activity shall install ~~such~~ erosion and sedimentation ~~and erosion~~ control devices and practices ~~as~~ that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development within a time period to be specified by rule of the Commission.

(4) No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract ~~if more than one acre is to be uncovered~~ unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with the agency having jurisdiction. The agency having jurisdiction shall forward to the Director of the Division of Water Quality a copy of each erosion and sedimentation control plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract."

SECTION 5. G.S. 113A-60 reads as rewritten:

"**§ 113A-60. Local erosion and sedimentation control programs.**

(a) ~~Any~~ A local government may submit to the Commission for its approval an erosion and ~~sediment~~ sedimentation control program for its jurisdiction, and to this end local governments are authorized to adopt ordinances and regulations necessary to establish and enforce erosion and ~~sediment~~ sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related compliance activities. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. An ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article. Two or more units of local government are authorized to establish a joint program and to enter into any agreements

that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.

(b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.

(c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and ~~sediment~~ sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

(d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the inspection of land-disturbing activities within the jurisdiction of the local government. The Commission shall be responsible for administering all components of the erosion and sedimentation control program other than the inspection of land-disturbing activities. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. A local government that administers a limited erosion and sedimentation control program shall pay an amount equal to one hundred twenty dollars ($120.00) per acre of disturbed land subject to inspection under the limited erosion and sedimentation control program to the Department for review of each erosion and sedimentation control plan and related compliance activities. Fees paid to the Department by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). The local government shall establish a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be the amount that the local government is required to pay to the Department under this subsection for review of the erosion and sedimentation control plan and related compliance activities. In addition, the fee may include the amount that is required to cover the cost of inspection activities conducted by the local government. A local government may create or designate agencies or subdivisions of the local government to administer the limited program. An ordinance adopted by a local government that establishes a limited program shall at least meet and may exceed the minimum requirements regarding the inspection of land-disturbing activities of this Article and the rules adopted pursuant to this Article regarding the inspection of land-disturbing activities. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited

program must be duly recorded in the minutes of the governing body of each unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs."

SECTION 6. G.S. 113A-64(a) reads as rewritten:

"(a) Civil Penalties. –

(1) Any person who violates any of the provisions of this Article or any ordinance, rule, or order adopted or issued pursuant to this Article by the Commission or by a local government, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation is five thousand dollars ~~($5,000).~~ ($5,000), except that, in order to deter violations, the Secretary may assess a civil penalty of up to ten thousand dollars ($10,000) for the first day of a violation. A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation.

(2) The Secretary or a local government that administers an erosion and ~~sediment~~ sedimentation control program approved under ~~G.S. 113A-60~~ G.S. 113A-60(a) shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment within 30 days by filing a petition for a contested case under Article 3 of Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the Secretary within 30 days after it is due, the Department shall request the Attorney General to institute a civil action to recover the amount of the assessment. If a violator does not pay a civil penalty assessed by a local government within 30 days after it is due, the local government may institute a civil action to recover the amount of the assessment. The civil action may be brought in the superior court of any county where the violation occurred or the violator's residence or principal place of business is located. A civil action must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(3) In determining the amount of the penalty, the Secretary shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator saved by noncompliance, whether the violation was committed willfully and the

prior record of the violator in complying or failing to comply with this Article.

(4) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 776, s. 11.

(5) The clear proceeds of civil penalties collected by the Department or other State agency under this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. Civil penalties collected by a local government under this subsection shall be credited to the general fund of the local government as nontax revenue."

SECTION 7. Article 4 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"**§ 113A-67. Annual report.**

The Department of Environment and Natural Resources shall report to the Environmental Review Commission on the implementation of this Article on or before September 1 of each year. The Department shall include in the report an analysis of how well the implementation of the Sedimentation Pollution Control Act of 1973 is preventing the sedimentation of streams, rivers, lakes, and other waters of the State. The report shall also include an evaluation of whether the fees and civil penalties are adequate to properly administer and enforce this Article. In addition, the report shall include a review of the effectiveness of local erosion and sedimentation control programs."

SECTION 8. The Department of Environment and Natural Resources shall submit the first report required by G.S. 113A-67, as enacted by Section 7 of this act, to the Environmental Review Commission on or before 1 September 2003.

SECTION 9. This act becomes effective 1 August 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1568

Committee Substitute Favorable 6/25/02

PROPOSED COMMITTEE SUBSTITUTE H1568-PCS7404-SG-58

Short Title: Sedimentation Act Improvements. (Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-54.1 is amended by adding a new subsection to read:

"(e) An approved erosion and sedimentation control plan shall contain a schedule for the inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with G.S. 113A-57(2). The person submitting the erosion and sedimentation control plan or an agent of the person submitting the erosion and sedimentation control plan shall perform each inspection. The person who performs each inspection shall post a record of the inspection on the site of the land-disturbing activity. The record shall certify that the work has been completed in accordance with the approved erosion and sedimentation control plan and is being maintained in a manner that satisfies the requirements of this Article. The inspections required by this subsection shall be in addition to inspections required by G.S. 113A-61.1."

SECTION 2. G.S. 113A-56(a) reads as rewritten:

"(a) The Commission shall have jurisdiction, to the exclusion of local governments, to adopt rules concerning land-disturbing activities that ~~are:~~ are any of the following:

(1) Conducted by the ~~State;~~ State.

(2) Conducted by the United ~~States;~~ States.

(3) Conducted by persons having the power of eminent ~~domain;~~ domain other than a local government.

~~(4) Conducted by local governments; or~~

(5) Funded in whole or in part by the State or the United States."

SECTION 3. G.S. 113A-57 reads as rewritten:

"**§ 113A-57. Mandatory standards for land-disturbing activity.**

No land-disturbing activity subject to this Article shall be undertaken except in accordance with the following mandatory requirements:

(1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity. Waters that have been classified as trout waters by the Environmental Management Commission shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater. Provided, however, that the Sedimentation Control Commission may approve plans which include land-disturbing activity along trout waters when the duration of said disturbance would be temporary and the extent of said disturbance would be minimal. This subdivision shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse.

(2) The angle for graded slopes and fills shall be no greater than the angle ~~which~~ that can be retained by vegetative cover or other adequate erosion-control devices or structures. In any event, slopes left exposed will, within ~~15~~ 12 working days or ~~30~~ 25 calendar days of completion of any phase of grading, whichever period is shorter, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(3) Whenever land-disturbing activity is undertaken on a tract comprising more than one acre, if more than one acre is uncovered, the person conducting the land-disturbing activity shall install ~~such~~ erosion and sedimentation ~~and erosion~~ control devices and practices ~~as~~ that are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of ~~said~~ the tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development within a time period to be specified by rule of the Commission.

(4) No person shall initiate any land-disturbing activity that will disturb more than one acre on a tract ~~if more than one acre is to be uncovered~~ unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with the agency having jurisdiction. The agency having jurisdiction shall forward to the

Director of the Division of Water Quality a copy of each erosion and sedimentation control plan for a land-disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table of the tract."

SECTION 4. G.S. 113A-60 reads as rewritten:

"**§ 113A-60. Local erosion and sedimentation control programs.**

(a) ~~Any~~ A local government may submit to the Commission for its approval an erosion and ~~sediment~~ sedimentation control program for its jurisdiction, and to this end local governments are authorized to adopt ordinances and regulations necessary to establish and enforce erosion and ~~sediment~~ sedimentation control programs. An ordinance adopted by a local government may establish a fee for the review of an erosion and sedimentation control plan and related compliance activities. Local governments are authorized to create or designate agencies or subdivisions of local government to administer and enforce the programs. An ordinance adopted by a local government shall at least meet and may exceed the minimum requirements of this Article and the rules adopted pursuant to this Article. Two or more units of local government are authorized to establish a joint program and to enter into any agreements that are necessary for the proper administration and enforcement of the program. The resolutions establishing any joint program must be duly recorded in the minutes of the governing body of each unit of local government participating in the program, and a certified copy of each resolution must be filed with the Commission.

(b) The Commission shall review each program submitted and within 90 days of receipt thereof shall notify the local government submitting the program that it has been approved, approved with modifications, or disapproved. The Commission shall only approve a program upon determining that its standards equal or exceed those of this Article and rules adopted pursuant to this Article.

(c) If the Commission determines that any local government is failing to administer or enforce an approved erosion and ~~sediment~~ sedimentation control program, it shall notify the local government in writing and shall specify the deficiencies of administration and enforcement. If the local government has not taken corrective action within 30 days of receipt of notification from the Commission, the Commission shall assume administration and enforcement of the program until such time as the local government indicates its willingness and ability to resume administration and enforcement of the program.

(d) A local government may submit to the Commission for its approval a limited erosion and sedimentation control program for its jurisdiction that grants the local government the responsibility only for the inspection of land-disturbing activities within the jurisdiction of the local government. The Commission shall be responsible for administering all components of the erosion and sedimentation control program other than the inspection of land-disturbing activities. The local government may adopt ordinances and regulations necessary to establish a limited erosion and sedimentation control program. An ordinance adopted by a local government that establishes a limited program shall at least meet and may exceed the minimum requirements regarding the inspection of land-disturbing activities of this Article and the rules adopted pursuant to

this Article regarding the inspection of land-disturbing activities. The local government shall establish a fee to be paid by each person who submits an erosion and sedimentation control plan to the local government. The amount of the fee shall be the amount that the local government is required to pay to the Department under this subsection for review of the erosion and sedimentation control plan and related compliance activities. In addition, the fee may include the amount that is required to cover the cost of inspection activities conducted by the local government. A local government that administers a limited erosion and sedimentation control program shall pay an amount equal to thirty dollars ($30.00) per acre of disturbed land subject to inspection under the limited erosion and sedimentation control program to the Department for review of each erosion and sedimentation control plan and related compliance activities. Fees paid to the Department by a local government shall be deposited in the Sedimentation Account established by G.S. 113A-54.2(b). A local government may create or designate agencies or subdivisions of the local government to administer the limited program. Two or more units of local government may establish a joint limited program and enter into any agreements necessary for the proper administration of the limited program. The resolutions establishing any joint limited program must be duly recorded in the minutes of the governing body of each unit of local government participating in the limited program, and a certified copy of each resolution must be filed with the Commission. Subsections (b) and (c) of this section apply to the approval and oversight of limited programs."

SECTION 5. Article 4 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"**§ 113A-67. Annual report.**

The Department of Environment and Natural Resources shall report to the Environmental Review Commission on the implementation of this Article on or before 1 September of each year. The Department shall include in the report an analysis of how well the implementation of the Sedimentation Pollution Control Act of 1973 is preventing the sedimentation of streams, rivers, lakes, and other waters of the State. The report shall also include an evaluation of whether the fees and civil penalties are adequate to properly administer and enforce this Article. In addition, the report shall include a review of the effectiveness of local erosion and sedimentation control programs."

SECTION 6. The Department of Environment and Natural Resources shall study the feasibility of establishing one or more exemptions from the requirement set out in G.S. 113A-57, as amended by Section 3 of this act, that an erosion and sedimentation control plan for a land-disturbing activity that will disturb more than one acre be approved by the Sedimentation Control Commission as provided in G.S. 113A-54.1, as amended by Section 1 of this act, or by a local government as provided in G.S. 113A-61 for particular classes of land-disturbing activity that will disturb less than two acres. Proposed exemptions shall be based on topography, soil type, maintenance of adequate vegetated buffer areas between the land-disturbing activity and surface waters or other drainage features, use of specified erosion control measures, and any

other relevant factors. The Department shall report its findings and recommendations to the Environmental Review Commission on or before 1 May 2003.

SECTION 7. The Department of Environment and Natural Resources shall submit the first report required by G.S. 113A-67, as enacted by Section 5 of this act, to the Environmental Review Commission on or before 1 September 2003.

SECTION 8. Sections 6 and 8 of this act become effective when this bill becomes law. All other sections of this act become effective 1 January 2003.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 1568 A BILL TO BE ENTITLED AN ACT TO AMEND THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 the 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)

5/13/02

VISITOR REGISTRATION SHEET

Rules — Name of Committee

9-25-02 — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizabeth Dalton	Banc & Associates
Carol Lawler	EGNS
Steve Hill	Conservation Council
Michael Houser	The Insider
Cary Cagle	BPMHI
John Hunter	NCFPC
John Phelps	NCLM
[illegible]	[illegible]
R. Neal Wilson	NCHBA
Angel Hall	MTE
[illegible]	[illegible]
Angie McMillan	FNC
[illegible]	SBE
[illegible]	DENR Land Resources
John McNeal	OCN Office
Laura Devine	DENR
Robin Smith	DENR
Ben Milton	Allen Associates, INC.
Susan Harrison	WCPSS
[illegible]	NCRA
DAVID BARNES	Poyner + Spruill
CHARLES WILLIAMS	SGT. AT ARMS
Katie Hunter	NC State Watch
David Crawford	AIA North Carolina
Jolie Goodman	Mercer Assoc.
Leanne Winner	NCSBA
Tony L. Mitchell	DPI
[illegible]	Progress Energy

VISITOR REGISTRATION SHEET

H. Rules — 9/25/02

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Scoggin	KCLI
Rob Schofield	NC Justice Ctr.
Ed Regan	County Government Org
Paul Stock	NC Bankers Assn
Elizabeth Ouzts	NCPIRG
John Curtis	NCASA
Betty Turner	BAC
John McAlister	Duke Energy
Henry Jones	Attorney - Raleigh

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 421
LEGISLATIVE OFFICE BUILDING
October 2, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

REMAINING BILLS IN COMMITTEE TO BE POSTPONED INDEFINITELY

SB 70 – PRESIDENTIAL ELECTORS BY DISTRICT

SJR 1303 – RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR., AS COMMISSIONER OF BANKS

SJR 1476 – RESOLUTION HONORING J. W. MARSH

SB 718 – SUPREME COURT RULE MAKING

SB 910 – FAILURE TO APPEAR FOR MISDEMEANOR CITATION

ADJOURNMENT

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

October 2, 2002

The Committee on Rules, Calendar and Operations of the House met on October 2, 2002 at 2:45 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barnhart, Crawford, Culp, Gulley, Hill, McComas, McCombs, Rogers, Setzer, Sherrill and Willingham.

The following bills were considered:

SENATE BILL 70 – AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT. A House proposed committee substitute changing the title to AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW was offered, and Representative Sherrill moved for its adoption for purposes of discussion. Without objection, it was so ordered. Senator Hagen was recognized to explain the proposed committee substitute. The bill is an economic revitalization for an old building in downtown Greensboro, to be used only for receptions, conventions and like occasions. Representative McComas moved that the House proposed committee substitute be given a favorable report, unfavorable to the original bill. The motion passed. Representative Yongue sent forth a technical amendment and moved for its adoption. The motion passed. Representative McCombs sent forth an amendment and moved for its adoption. The motion carried. Representative McComas then amended his motion. He moved that the two amendments be incorporated into a new committee substitute and that the new committee substitute be given a favorable report, unfavorable to the original bill.

SENATE JOINT RESOLUTION 1303. A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A SMITH, JR. AS COMMISSIONER OF BANKS. Representative Morgan was recognized to speak on the resolution and moved that the resolution be given a favorable report. The motion carried.

SENATE JOINT RESOLUTION 1476 – A JOINT RESOLUTION HONORING THE MEMORY OF J. W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED TWENTY-FIFTH ANNIVERSARY. Representative Gibson was recognized and made a motion that the resolution be given a favorable report. The motion passed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 718 – AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY. A House proposed committee substitute changing the title to AN ACT EXPANDING THE PURPOSES

FOR WHICH COUNTIES AND MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS was offered, and Representative McMahan moved for its adoption. Without objection, it was so ordered. The chairman stated that this is a matter that the Speaker asked to be brought before the committee and needs to be re-referred to the Finance Committee. He recognized Giles Perry, staff attorney, to explain the proposed committee substitute. He stated that it expands the list of capital projects for which local governments are authorized to issue special obligations bonds. Representative Michaux moved that the House proposed committee substitute be given a favorable report, unfavorable to the Senate committee substitute, and recommendation that the House proposed committee be re-referred to the Committee on Finance. The motion carried.

SENATE BILL 910 – AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR. A House proposed committee substitute changing the title to AN ACT TO CODIFY RULES FOR THE SHARING OF JUVENILE INFORMATION BETWEEN AGENCIES, TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR AND TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS was offered, and Representative Buchanan moved that it be adopted for purposes of discussion. Without objection, it was so ordered. The chairman stated that this bill was used to combine two bills that were sent to the House by the Senate in illegible form. Dianna Jessup, staff attorney, explained Sections 1, 2 and 3 of the proposed committee substitute which was requested by the judiciary. Representative Michaux sent forth an amendment eliminating Sections 2 and 3 of the proposed committee substitute and moved for its adoption. The motion carried. Representative Hackney sent forth an amendment deleting Section 1 of the proposed committee substitute and moved for its adoption. The motion carried. Representative Justus spoke on behalf of Section 4 and moved that the amendments be incorporated into a new House committee substitute and that the proposed committee substitute be given a favorable report, unfavorable to the original bill. The motion carried.

There being no further business, the meeting adjourned at 3:15 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 70*

Short Title:	Presidential Electors by District.	(Public)
Sponsors:	Senators Lee; Carter, Clodfelter, Dalton, Gulley, Jordan, and Kinnaird.	
Referred to:	Judiciary II.	

February 6, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 18 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-208.1. Representation.**

One elector shall be chosen from each congressional district as specified in G.S. 163-201 and two electors shall be chosen from the State at large."

SECTION 2. G.S. 163-209 reads as rewritten:

"**§ 163-209. Names of presidential electors not printed on ballots.**

The names of candidates for electors of President and Vice-President nominated by any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of State no later than 12:00 noon on the first Friday in August. Each political party and unaffiliated candidate shall nominate one candidate for each congressional district as specified in G.S. 163-201 and two candidates at large. In place of their names, in accordance with the provisions of G.S. 163-140 there shall be printed on the ballot the names of the candidates for President and Vice-President of each political party recognized in this State, and the name of any candidate for President who has qualified to have his name printed on the general election ballot under G.S. 163-122. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a candidate for

Vice-President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State. Receipt by the slate of electors of the highest number of votes statewide shall constitute election of the two statewide electors of that slate. Receipt by the slate of electors of the highest number of votes in a congressional district shall constitute election of the congressional district elector of that slate."

SECTION 3. G.S. 163-210 reads as rewritten:

"**§ 163-210. Governor to proclaim results; casting State's vote for President and Vice-President.**

Upon receipt of the abstracts prepared by the State Board of Elections and delivered to him in accordance with G.S. 163-192, the Secretary of State, under his hand and the seal of his office, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice-President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in the City of Raleigh. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

The electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State. The elector for each congressional district shall cast a ballot for the presidential and vice-presidential candidates who received the largest number of votes in that congressional district.

Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States, either three duplicate original certificates, or one original certificate and two authenticated copies of the Certificates of Ascertainment, under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. These Certificates of Ascertainment should be sent as soon as possible after the election, but must be received before the Electoral College meeting. At the same time he shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second

alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States."

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 70
PROPOSED HOUSE COMMITTEE SUBSTITUTE S70-PCS7811-SW-100

Short Title: Amend Definition of Convention Center. (Public)

Sponsors:

Referred to:

February 6, 2001

A BILL TO BE ENTITLED

AN ACT AMENDING THE DEFINITION OF A CONVENTION CENTER IN THE STATE'S ABC LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1000(1a) reads as rewritten:

"(1a) Convention center. – An establishment that meets either of the following requirements:

a. A publicly owned or operated establishment that is engaged in the business of sponsoring or hosting conventions and similar large ~~gatherings. Convention centers shall include~~ gatherings, including auditoriums, armories, civic centers, convention centers, and coliseums.

b. A privately owned facility located in a city that has a population of at least 200,000 but not more than 250,000 by the 2000 federal census. To qualify as a convention center under this subsection, the facility shall meet each of the following requirements:

1. The facility shall be located within an area that has been designated as an Urban Redevelopment Area under Article 22 of Chapter 160A of the General Statutes, and shall be certified by the appropriate local official as being consistent with the city's redevelopment plan for the area in which the facility is located.

2. The facility shall contain at least 7,500 square feet of floor space that is available for public use and shall be used exclusively for banquets, receptions, meetings, and similar gatherings.

3. The facility's annual gross receipts from the sale of alcoholic beverages shall be less than fifty percent (50%) of the gross receipts paid to all providers at permitted functions for food, nonalcoholic beverages, alcoholic beverages, service, and facility usage fees (excluding receipts or charges for entertainment and ancillary services not directly related to providing food and beverage service). The person to whom a permit has been issued for a privately owned facility shall be required to maintain copies of all contracts and invoices for items supplied by providers for a period of three years from the date of the event.

A permit issued for a convention center shall be valid only for those parts of the building used for ~~conventions and banquets~~ conventions, banquets, receptions, and other events, and only during ~~regularly~~ scheduled ~~conventions and banquets.~~ activities."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1140

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S1140-ALK-102 [v.2]

Date _____,2002

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Representative ~~Decker~~ McCombs

moves to amend the bill on page 1, line 15,
by rewriting that line to read:
"federal census [and is located in a county that has previously authorized the issuance of mixed beverage permits by referendum] To qualify as a convention center under this ".

SIGNED Eugene McCombs
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 70

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S70-ARQ-6 [v.2]

Date _____,2002

Comm. Sub. [YES]
Amends Title [NO]
S70-PCS7811-SW- 100

Representative

moves to amend the PCS on page 1, line 16, by deleting the word "subsection," and substituting the word "subdivision,".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

SA 167

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 70 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, ☒ which changes the title, unfavorable as to original 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE JOINT RESOLUTION 1303

Sponsors: Senator Soles.

Referred to: Commerce.

June 11, 2002

A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

Whereas, under provisions of G.S. 53-92, appointment by the Governor of the Commissioner of Banks is subject to confirmation by the General Assembly by joint resolution; and

Whereas, the present Commissioner of Banks has resigned, effective May 31, 2002; and

Whereas, the Governor has submitted to the presiding officers of the House of Representatives and the Senate the name of his appointee to fill the term of Commissioner of Banks; Now, therefore,

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

SECTION 1. The appointment of Joseph A. Smith, Jr. as Commissioner of Banks for the remainder of the term expiring March 31, 2003, is confirmed.

SECTION 2. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.J.R. 1303 A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENT OF JOSEPH A. SMITH, JR. AS COMMISSIONER OF BANKS.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE JOINT RESOLUTION 1476

Sponsors: Senators Plyler and Purcell.

Referred to: Rules and Operations of the Senate.

July 29, 2002

A JOINT RESOLUTION HONORING THE MEMORY OF J.W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.

Whereas, the Town of Marshville, located in eastern Union County, was initially known as Beaver Dam; and

Whereas, the Town was originally inhabited by the Waxhaw Indians but by the 1750s, was also home to settlers from England, Germany, Wales, Scotland, and the State of Pennsylvania; and

Whereas, the Town developed around the Central Carolina Railroad depot site, which enabled the Town to later emerge as a leading regional cotton market and agricultural center; and

Whereas, the Town was incorporated as Griffinsville on February 12, 1877; and

Whereas, J.W. Marsh and his family, Town proprietors and landowners, donated land for the construction of the first church, which was built in 1888; and

Whereas, by 1900, the Marsh family had also donated land for a Town Hall, school, and two additional churches; and

Whereas, the Town was renamed Marshville on May 11, 1895, in honor of the Marsh family; and

Whereas, the Town continued to grow and prosper and by the late 1920s had attracted poultry and lumber businesses to the area; and

Whereas, much of the Town's economy centers around the production of turkeys, eggs, soybeans, corn, milo, swine, broilers, and beef; and

Whereas, the Town is home to a number of well-known businesses, including the Pilgrim's Pride Poultry Processing Plant, Edwards Wood Products, Carolina Wood Products, and Rebel Lumber Companies; and

Whereas, in 1985, a portion of the Town's downtown area served as a film location for the motion picture, "The Color Purple"; and

Whereas, in 2000, the Town had a population of 2,360 people; and

Whereas, for 125 years, the Town, known as the "Heartland of the Carolinas", has made significant contributions to the social and economic prosperity of the State of North Carolina; Now, therefore,

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

SECTION 1. The General Assembly honors the memory of J.W. Marsh for the contributions he made to the development of the Town of Marshville.

SECTION 2. The General Assembly congratulates the Town of Marshville on its 125th anniversary and encourages the citizens of this State to join the Town in celebrating this special occasion.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Marshville.

SECTION 4. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.J.R. 1476 A JOINT RESOLUTION HONORING THE MEMORY OF J. W. MARSH ON THE OCCASION OF THE TOWN OF MARSHVILLE'S ONE HUNDRED TWENTY-FIFTH 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 718

Judiciary I Committee Substitute Adopted 4/17/01

Short Title: Supreme Court Rule Making. (Public)

Sponsors:

Referred to:

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-34 reads as rewritten:

"**§ 7A-34. Rules of practice and procedure in trial courts.**

(a) The Supreme Court is hereby authorized to prescribe rules of practice and procedure for the superior and district courts supplementary to, and not inconsistent with, acts of the General Assembly. Pursuant to the authority granted it under Article IV, Section 13 of the North Carolina Constitution, the General Assembly delegates authority to the Supreme Court to adopt and amend the rules of civil and criminal procedure and rules of evidence for the trial divisions.

Except as provided in subsection (b) of this section, each new rule or amended rule shall be published in the North Carolina Register and shall become effective on January 1 next following a regular session of the General Assembly when the rule could be amended or vetoed as set forth in subsection (b) of this section.

(b) The General Assembly may amend or veto any proposed new rule or amended rule. A rule prescribed pursuant to this section shall not become effective unless the rule is published at least 25 days prior to the convening of a regular session of the General Assembly and no bill to amend or veto a new rule or amended rule is enacted before that regular session of the General Assembly adjourns. For purposes of this section, "session of the General Assembly adjourns" means (i) in a regular session held in an odd-numbered year, adjournment by joint resolution for more than 10 days; and (ii) in a regular session held in an even-numbered year, adjournment sine die.

(c) The Chief Justice may appoint advisory committees of up to eight members each to advise the Supreme Court on the adoption and amendment of the Rules of Civil Procedure, the Rules of Criminal Procedure, and the Rules of Evidence. Members of each advisory committee who are not officers or employees of the State shall receive

compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of each advisory committee who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6. Members of each advisory committee who are legislators shall be reimbursed for subsistence and travel expenses at the rates set out in G.S. 120-3.1.

(d) The Rules of Civil Procedure, as set forth in Chapter 1A and elsewhere in the General Statutes, the Rules of Evidence, as set forth in Chapter 8C and elsewhere in the General Statutes, and the Rules of Criminal Procedure, as set forth in Chapter 15A and elsewhere in the General Statutes, are deemed adopted by the Supreme Court until modified by the Supreme Court pursuant to this section. Upon adoption of a new rule or amended rule, the Supreme Court shall notify the General Assembly and the Revisor of Statutes of the need to repeal or amend the General Statutes to reflect the change. The Revisor of Statutes shall codify in the General Statutes all rules of civil and criminal procedure and rules of evidence for the trial divisions adopted or amended in accordance with this section."

SECTION 2. The Judicial Department shall implement this act using funds appropriated to the Department for travel and subsistence to reimburse members of the advisory committees on the rules of civil procedure, criminal procedure, and evidence authorized by G.S. 7A-34(c). This act shall not be construed to obligate the General Assembly to make any additional appropriation to implement the provisions of this act.

SECTION 3. This act becomes effective January 1, 2002.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 718

Judiciary I Committee Substitute Adopted 4/17/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S718-PCS4786-RW-79

Short Title: Local Gov. Special Obligation Bond Use. (Public)

Sponsors:

Referred to:

March 28, 2001

A BILL TO BE ENTITLED

AN ACT EXPANDING THE PURPOSES FOR WHICH COUNTIES AND MUNICIPALITIES MAY USE SPECIAL OBLIGATION BONDS.

The General Assembly of North Carolina enacts:

PART I. LOCAL GOVERNMENT SPECIAL OBLIGATION BONDS

SECTION 1.1. G.S. 159I-30(a) reads as rewritten:

"(a) Authorization. – Any unit of local government may borrow money for the purpose of financing or refinancing its cost of the acquisition or construction of a project and may issue special obligation bonds and notes, including bond anticipation notes and renewal notes, pursuant to the provisions of this section and the applicable provisions of this Chapter for this purpose. ~~As used in this section, the term 'project' has the meaning provided in G.S. 159I-3 and also includes any of the following as defined in S.L. 1998-132: water supply systems, water conservation projects, water reuse projects, wastewater collection systems, and wastewater treatment works.~~"

SECTION 1.2. G.S. 159I-30(g) reads as rewritten:

"(g) Definitions. – ~~As used~~ The following definitions apply in this section:

(1) ~~"Credit facility" means an~~Credit facility. – An agreement entered into by the unit with a bank, a savings and loan ~~association or other banking institution,~~association, or another banking institution; an insurance company, a reinsurance company, a surety ~~company or other~~company, or another insurance ~~institution,~~ institution; a corporation, an investment banking ~~firm or other~~ firm, or another investment ~~institution,~~ institution; or any financial ~~institution~~ institution, providing for prompt payment of all or any part of the principal, or purchase price (whether at maturity, presentment, or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest on any bonds or notes payable on

demand or tender by the owner, in consideration of the unit agreeing to repay the provider of the credit facility in accordance with the terms and provisions of the agreement; the provider of any credit facility may be located either within or without the United States of America.

(2) ~~"Par formula" means any~~ Par formula. – Any provision or formula adopted by the unit to provide for the adjustment, from time to time of the interest rate or rates borne by any bonds or notes including:

a. A provision providing for such adjustment so that the purchase price of such bonds or notes in the open market would be as close to par as possible;

b. A provision providing for such adjustment based upon a percentage or percentages of a prime rate or base rate, which percentage or percentages may vary or be applied for different periods of time; or

c. Any other provision as the unit may determine to be consistent with this section and the applicable provisions of this Chapter and does not materially and adversely affect the financial position of the unit and the marketing of the bonds or notes at a reasonable interest cost to the unit.

(3) Project. – Any of the following:

a. A project as defined in G.S. 159I-3.

b. Any of the following as defined in S.L. 1998-132: water supply systems, water conservation projects, water reuse projects, wastewater collection systems, and wastewater treatment works.

c. With respect to a county, any project or purpose authorized or described in G.S. 159-48(b) or (c).

d. With respect to a city, any project or purpose authorized or described in G.S. 159-48(b) or (d).

(g1) Credit Facility. – The obligation of a unit of local government under a credit facility to repay any drawing thereunder may be made payable and otherwise secured, to the extent applicable, as provided in this section."

SECTION 1.3. G.S. 160A-543 reads as rewritten:

"**§ 160A-543. Bonds authorized.**

A city may ~~issue its general obligation bonds under the Local Government Bond Act~~ incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts."

PART II. GENERAL PROVISIONS

SECTION 2.1. Interpretation of Act. (a) Additional Method. – This act provides an additional and alternative method for the doing of the things authorized by this act and shall be regarded as supplemental and additional to powers conferred by other laws. Except where expressly provided, this act shall not be regarded as in derogation of any powers now existing. The authority granted in this act is in addition to other laws now or hereinafter enacted authorizing the State to issue or incur indebtedness.

SECTION 2.1.(b) Statutory References. – References in this act to specific sections or Chapters of the General Statutes are intended to be references to those sections or Chapters as they may be amended, from time to time, by the General Assembly.

SECTION 2.1.(c) Liberal Construction. – This act, being necessary for the health and welfare of the people of the State, shall be liberally construed to effect its purposes.

SECTION 2.1.(d) Severability. – If any provision of this act or its application to any person or circumstance is held invalid, that invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 2.2. Effective Date. – This act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 718 A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to 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 recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 910

Short Title:	Failure to Appear for Misdemeanor Citation.	(Public)
Sponsors:	Senator Rand.	
Referred to:	Judiciary I.	

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-302(f) reads as rewritten:

"(f) Citation No Bar to Criminal Summons or Warrant. – If the offense is a misdemeanor, a criminal summons or a warrant may issue notwithstanding the prior issuance of a citation for the same offense. If a defendant fails to appear in court as directed by a citation that charges the defendant with a misdemeanor, an order for arrest for failure to appear may be issued by a judicial official."

SECTION 2. G.S. 15A-305(b) reads as rewritten:

"(b) When Issued. – An order for arrest may be issued when:

(1) A grand jury has returned a true bill of indictment against a defendant who is not in custody and who has not been released from custody pursuant to Article 26 of this Chapter, Bail, to answer to the charges in the bill of indictment.

(2) A defendant who has been arrested and released from custody pursuant to Article 26 of this Chapter, Bail, fails to appear as required.

(3) The defendant has failed to appear as required by a duly executed criminal summons issued pursuant to ~~G.S. 15A-303.~~G.S. 15A-303 or a citation issued by a law enforcement officer or other person authorized by statute pursuant to G.S. 15A-302 that charged the defendant with a misdemeanor.

(4) A defendant has violated the conditions of probation.

(5) In any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody.

(6) It is authorized by G.S. 15A-803 in connection with material witness proceedings.
(7) The common-law writ of capias has heretofore been issuable.
(8) When a defendant fails to appear as required in a show cause order issued in a criminal proceeding.
(9) It is authorized by G.S. 5A-16 in connection with contempt proceedings."

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S **D**

SENATE BILL 910
PROPOSED HOUSE COMMITTEE SUBSTITUTE S910-PCS8792-SW-99

Short Title: Criminal Law Changes/Share Juvenile Info. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO CODIFY RULES FOR THE SHARING OF JUVENILE INFORMATION BETWEEN AGENCIES, TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR AND TO MAKE IT A CRIMINAL OFFENSE TO DEFRAUD DRUG OR ALCOHOL SCREENING TESTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-3100 reads as rewritten:

"**§ 7B-3100. Disclosure of information about juveniles.**

(a) ~~The Department, after consultation with the Conference of Chief District Court Judges, shall adopt rules designating certain local agencies that are authorized to share information concerning juveniles in accordance with the provisions of this section. Agencies so designated shall share with one another, upon request, information that is in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent and shall continue to do so until the juvenile is no longer subject to the jurisdiction of juvenile court. Agencies that may be designated as "agencies authorized to share information" include local mental health facilities, local health departments, local departments of social services, local law enforcement agencies, local school administrative units, the district's district attorney's office, the Department of Juvenile Justice and Delinquency Prevention, and the Office of Guardian ad Litem Services of the Administrative Office of the Courts.~~

The following agencies shall share with one another, upon request, information in their possession that is relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent:

(1) The Department of Juvenile Justice and Delinquency Prevention.

(2) The Office of Guardian Ad Litem Services of the Administrative Office of the Courts.
(3) County departments of social services.
(4) Area mental health, developmental disabilities, and substance abuse authorities.
(5) County mental health, developmental disabilities, and substance abuse authorities.
(6) Local law enforcement agencies.
(7) District attorneys' offices, except as otherwise provided in this section.
(8) Local school administrative units.
(9) Local health departments.
(10) Any other State or local agency designated in an administrative order issued by the chief district court judge of the district court district in which the agency is located or operates.

(a1) Any agency that receives information disclosed pursuant to this section, and shares information with another authorized agency, shall document the name of the agency to which the information was provided and the date the information was provided.

(a2) When the disclosure of requested information is prohibited or restricted by federal law or regulations, a designated agency shall share the information only in conformity with the applicable federal law and regulations. At the request of the initiating designated agency, the designated agency refusing the request shall inform that agency of the specific law or regulation that is the basis for the refusal.

(a3) Any designated agency that refuses another designated agency's written request for information under this section shall, upon request of the requesting agency, provide the requesting agency with a written statement of the reason for the refusal. A requesting agency may file a motion in the pending juvenile matter for the limited purpose of asking the court to order disclosure of the requested information. An agency from which information is requested may file a motion in the pending juvenile matter for the limited purpose of asking the court to order that disclosure of some or all of the requested information is not required because:

(1) This section does not require disclosure of the information;
(2) The juvenile's best interest requires that the information not be disclosed; or
(3) There is other good cause for not disclosing the information.

A movant under this subsection must serve the motion and notice of hearing on all parties and on the other designated agency. The court may conduct an in camera inspection of information that is the subject of the motion. At the conclusion of the hearing on the motion, the court shall enter an order requiring the disclosure of some or all of the requested information, or declaring that some or all of the information is not required to be disclosed. Based on a finding of good cause, the court may deny or prohibit disclosure of information that otherwise would have to be disclosed under this section.

(a4) Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile and others or to improve the educational opportunities of the juvenile, and shall be released in accordance with the provisions of the Family Educational and Privacy Rights Act as set forth in 20 U.S.C. § 1232g. Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of an attorney.

(b) Disclosure of information concerning any juvenile under investigation or alleged to be within the jurisdiction of the court that would reveal the identity of that juvenile is prohibited except that publication of pictures of runaways is permitted with the permission of the parents."

SECTION 2. G.S. 15A-302(f) reads as rewritten:

"(f) Citation No Bar to Criminal Summons or Warrant. – If the offense is a misdemeanor, a criminal summons or a warrant may issue notwithstanding the prior issuance of a citation for the same offense. If a defendant fails to appear in court as directed by a citation that charges the defendant with a misdemeanor, an order for arrest for failure to appear may be issued by a judicial official."

SECTION 3. G.S. 15A-305(b) reads as rewritten:

"(b) When Issued. – An order for arrest may be issued when:

(1) A grand jury has returned a true bill of indictment against a defendant who is not in custody and who has not been released from custody pursuant to Article 26 of this Chapter, Bail, to answer to the charges in the bill of indictment.

(2) A defendant who has been arrested and released from custody pursuant to Article 26 of this Chapter, Bail, fails to appear as required.

(3) The defendant has failed to appear as required by a duly executed criminal summons issued pursuant to ~~G.S. 15A-303.~~G.S. 15A-303 or a citation issued by a law enforcement officer or other person authorized by statute pursuant to G.S. 15A-302 that charged the defendant with a misdemeanor.

(4) A defendant has violated the conditions of probation.

(5) In any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody.

(6) It is authorized by G.S. 15A-803 in connection with material witness proceedings.

(7) The common-law writ of capias has heretofore been issuable.

(8) When a defendant fails to appear as required in a show cause order issued in a criminal proceeding.

(9) It is authorized by G.S. 5A-16 in connection with contempt proceedings."

SECTION 4. Article 52 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"**§ 14-401.20. Defrauding drug and alcohol screening tests; penalty.**

(a) It is unlawful for a person to do any of the following:

(1) Sell, give away, distribute, or market urine in this State or transport urine into this State with the intent that it be used to defraud a drug or alcohol screening test.

(2) Attempt to foil or defeat a drug or alcohol screening test by the substitution or spiking of a sample or the advertisement of a sample substitution or other spiking device or measure.

(b) It is unlawful for a person to do any of the following:

(1) Adulterate a urine or other bodily fluid sample with the intent to defraud a drug or alcohol screening test.

(2) Possess adulterants that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test.

(3) Sell adulterants with the intent that they be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test.

(c) A violation of this section is punishable as follows:

(1) For a first offense under this section, the person is guilty of a Class 1 misdemeanor.

(2) For a second or subsequent offense under this section, the person is guilty of a Class I felony."

SECTION 5. Section 4 of this act becomes effective December 1, 2002, and applies to offenses committed on or after that date. This remainder of this act is effective when it becomes law.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 910 A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

☒ With a favorable report as to House committee substitute bill, ☒ which changes the title, unfavorable as to original 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)

5/13/02

VISITOR REGISTRATION SHEET

Rules
Name of Committee

10.2.02 (Wed)
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Goodman	Mercer & Assoc.
Gary Myrick	CCPS
Jeffrey Crow	DCR
Donna Roosfield	DCR
Lu-Ann Cole	NCPA
Ken McHon	Allen Associates, Inc.
John Policicchio	AT&T
Steve Woodson	NC FB
Jim Coward	NCRA
PL McBride	NCHA
Tom Maxwell	NCICU
Michelle Frazier	NC Bar Assoc.
Barbara Conoley	MFSS
Al Ripley	Self-Help Credit Union
Lori A. Farris	A.A. Farris & Assoc Inc
Kurt Dybdahl	Abbott Laboratories, Inc.
John Kitchin	NCFPC
Bill	ACT
Estherine Davis	Electricities
Evelyn Hawthorne	EHGR
Stephanie Simpson	NCAR
Henry Jones	Attorney - Raleigh
Mark Fountain	Attorney Raleigh -
Pamela Millward	NCREC, Atty
Tom Miller	NCREC, Atty
Tim Misty	NC Home Builders Ass'n
Carol Lauer	EGLS
Anne Winner	NCCADV

VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jon Carr	Jordan Price
Kevin Leonard	NCDOL

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
MEMBERS CONFERENCE ROOM
LEGISLATIVE BUILDING
October 2, 2002
AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 1187 – CLARIFICATION OF COURT FEES

HB 1307 – AMEND MORTGAGE LENDING ACT

ADJOURNMENT

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

October 2, 2002

The Committee on Rules, Calendar and Operations of the House met on October 2, 2002 at 5:25 p.m. in the Members' Conference Room during a recess of the House session. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barnhart, Crawford, Culp, Gulley, Hill, McComas, McCombs, Rogers, Setzer, Sherrill and Willingham.

The following bills were considered:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 1187 – AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM. After a brief explanation by the chairman, Representative Hackney made a motion to report the bill with prejudice. The motion carried.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE 1307 – AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT. The Chairman explained the bill, and Representative Crawford made a motion to report the bill without prejudice. The motion carried.

There being no further business, the meeting adjourned at 5:30 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 4

HOUSE BILL 1187

Committee Substitute Favorable 4/24/01

Third Edition Engrossed 4/26/01

Senate Finance Committee Substitute Adopted 9/25/02

Short Title: Clarification of Court Fees. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-306(a)(2) reads as rewritten:

"(a) In every special proceeding in the superior court, the following costs shall be assessed:

...

(2) For support of the General Court of Justice the sum of thirty dollars ($30.00). In addition, in proceedings involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars ($100.00), there shall be an additional sum of thirty cents (30¢) per one hundred dollars ($100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars ($200.00). Fair market value is determined by the sale price if there is a sale, the appraiser's valuation if there is no sale, or the appraised value from the property tax records if there is neither a sale nor an appraiser's valuation. Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and five cents ($1.05) of each <u>thirty-dollar ($30.00) General Court of Justice</u> fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4."

SECTION 2. G.S. 7A-307(a)(2) reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, in trust

proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit, the following costs shall be assessed:

...

(2) For support of the General Court of Justice, the sum of thirty dollars ($30.00), plus an additional forty cents (40¢) per one hundred dollars ($100.00), or major fraction thereof, of the gross estate, not to exceed three thousand dollars ($3,000). Gross estate shall include the fair market value of all personalty when received, and all proceeds from the sale of realty coming into the hands of the fiduciary, but shall not include the value of realty. In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the inventory and shall be paid when the inventory is filed with the clerk. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be assessed and paid upon the filing of any account or report disclosing such additional value. For each filing the minimum fee shall be fifteen dollars ($15.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and five cents ($1.05) of each thirty-dollar ($30.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4."

SECTION 3. G.S. 7A-307(b1) reads as rewritten:

"(b1) The clerk shall assess the following miscellaneous fees:

(1) Filing and indexing a will with no probate
— first page ..... $ 1.00
— each additional page or fraction thereof ..... .25

(2) Issuing letters to fiduciaries, per letter over five letters issued..... 1.00

(3) Inventory of safe deposits of a decedent, per box, per day 15.00

(4) Taking a deposition ..... ~~5.00~~10.00

(5) Docketing and indexing a will probated in another county in the State .....
— first page ..... ~~1.00~~6.00
— each additional page or fraction thereof ..... .25

(6) Hearing petition for year's allowance to surviving spouse or child, in cases not assigned to a magistrate, and allotting the same ..... ~~4.00~~8.00".

SECTION 4. If Senate Bill 1115, 2002 Regular Session, becomes law, then G.S. 7A-308(a)(4), as rewritten by Section 29A.13.1(a) of that act, reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

...

(4) Taking a deposition ~~7.50~~10.00".

SECTION 5. This act becomes effective October 1, 2002, and applies to all acts done on or after that date.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **CULPEPPER** (Chair/Chairs) for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

☒ Senate Committee Substitute for
H.B. 1187 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COURT FEES FOR LEGAL SERVICES AND TO MAKE VARIOUS COURT FEES UNIFORM.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H 2

HOUSE BILL 1307
Senate Finance Committee Substitute Adopted 9/25/02

Short Title: Amend Mortgage Lending Act. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 53-243.01 is amended by adding a new subdivision to read:

"(7a) Exclusive mortgage broker – An individual who acts as a mortgage broker exclusively for a single mortgage banker or single exempt person and who is licensed under the provisions of G.S. 53-243.05(c)(1a)."

SECTION 2. G.S. 53-243.01(14) reads as rewritten:

"(14) Mortgage broker. – A person who acts as a mortgage broker as that term is defined in subdivision (1) of this section. The term "mortgage broker" includes an exclusive mortgage broker, except when expressly provided otherwise."

SECTION 3. G.S. 53-243.05(a) reads as rewritten:

"(a) Any person, other than an exempt person, desiring to obtain a license ~~as a loan officer, mortgage banker, or mortgage broker~~pursuant to this Article shall make written application for licensure to the Commissioner on forms prescribed by the Commissioner. In accordance with rules adopted by the Commission, the application shall contain any information the Commissioner deems necessary regarding the following:

(1) The applicant's name and address and social security number.

(2) The applicant's form and place of organization, if applicable.

(3) The applicant's proposed method of and locations for doing business, if applicable.

(4) The qualifications and business history of the applicant and, if applicable, the business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the applicant, including: (i) a description of any injunction or administrative order by any state or federal authority to which the person is or has been subject; (ii) a conviction of a misdemeanor involving fraudulent dealings or moral turpitude or relating to any aspect of the residential mortgage lending business; (iii) any felony convictions.

(5) With respect to an application for licensing as a mortgage banker or broker, the applicant's financial condition, credit history, and business history; and with respect to the application for licensing as a loan officer, the applicant's credit history and business history.

(6) The applicant's consent to a criminal history record check and a set of the applicant's fingerprints in a form acceptable to the Commissioner. Refusal to consent to a criminal history record check may constitute grounds for the Commissioner to deny licensure to the applicant."

SECTION 4. G.S. 53-243.05(c) reads as rewritten:

"(c) In addition to the requirements under subsection (a) of this section, each applicant for licensure as a mortgage broker or mortgage banker at the time of application and at all times thereafter shall comply with the following requirements:

(1) ~~If~~ Except as provided for in subdivision (1a) of this subsection, if the applicant is a sole proprietor, the applicant shall have at least three years of experience in residential mortgage lending or other experience or competency requirements as the Commissioner may impose. Experience as an exclusive mortgage broker shall not constitute mortgage-lending experience under this subdivision.

(1a) If an individual applicant to be licensed as a mortgage broker meets all other requirements for licensure under this section but does not meet the requirements of subdivision (1) of this subsection, the individual applicant may be licensed as an exclusive mortgage broker upon compliance with all of the following:

a. Successfully complete both a residential mortgage-lending course approved by the Commissioner of not less than 40 hours of classroom instruction, and a written examination approved by the Commissioner.

b. Act exclusively as a mortgage broker for a single mortgage banker licensee or single exempt mortgage banker for whom the broker shall be deemed an agent, who shall be responsible for supervising the broker as required by this Article, who shall sign the license application of the applicant, and who shall be

jointly and severally liable with the broker for any claims arising out of the broker's mortgage lending activities.

c. Shall be compensated for the broker's mortgage brokering activities on a basis that is not dependent upon the loan amount, interest rate, fees, or other terms of the loans brokered.

d. Shall not handle borrower or other third-party funds in connection with the brokering or closing of mortgage loans.

(2) If the applicant is a general or limited partnership, at least one of its general partners shall have the experience as described under subdivision (1) of this subsection.

(3) If the applicant is a corporation, at least one of its principal officers shall have the experience as described under subdivision (1) of this subsection.

(4) If the applicant is a limited liability company, at least one of its managers shall have the experience as described under subdivision (1) of this subsection."

SECTION 5. G.S. 53-243.05(e) reads as rewritten:

"(e) Every applicant for initial licensure shall pay a filing fee of one thousand dollars ($1,000) for licensure as a mortgage broker or mortgage banker or fifty dollars ($50.00) for licensure as a loan ~~officer.~~officer, in addition to the actual cost of obtaining credit reports and State and national criminal history record checks."

SECTION 6. G.S. 53-243.05(i) reads as rewritten:

"(i) If the Commissioner determines that an applicant meets the qualifications for licensure and finds that the financial responsibility, character, and general fitness of the applicant are such as to command the confidence of the community and to warrant belief that the business will be operated honestly and fairly, the Commissioner shall issue a license to the applicant. In addition, for an applicant qualifying as an exclusive mortgage broker, the Commissioner shall determine if the mortgage broker/mortgage banker relationship is in the public interest."

SECTION 7. G.S. 53-243.06 reads as rewritten:

"**§ 53-243.06. License renewal; termination.**

(a) All licenses issued by the Commissioner under the provisions of this Article shall expire annually on the 30th day of June following issuance or on any other date that the Commissioner may determine. The license shall become invalid after that date unless renewed. A license may be renewed 45 days prior to the expiration date by compliance with subsection (b1) of this section and by paying to the ~~Commissioner~~ Commissioner, in addition to the actual cost of obtaining credit reports and State and national criminal history record checks as the Commissioner may require, a renewal fee as follows:

(1) Licensed mortgage bankers shall pay an annual fee of five hundred dollars ($500.00) and one hundred dollars ($100.00) for each branch office.

(2) Licensed mortgage brokers shall pay an annual fee of five hundred dollars ($500.00) and one hundred dollars ($100.00) for each branch

office. Licensed exclusive mortgage brokers shall pay an annual fee of five hundred dollars ($500.00).

(3) Licensed loan officers shall pay an annual fee of fifty dollars ($50.00).

(b) If a license is not renewed prior to the applicable expiration date, then an additional two hundred fifty dollars ($250.00) in addition to the renewal fee under subsection (a) of this section shall be assessed as a late fee to any renewal. In the event a licensee fails to obtain a reinstatement of the license within 90 days after the date the license expires, the Commissioner may require the licensee to comply with the requirements for the initial issuance of a license under the provisions of this Article.

(b1) When required by the Commissioner, the licensee shall furnish to the Commissioner the licensee's consent to a criminal history record check and a set of the licensee's fingerprints in a form acceptable to the Commissioner. Refusal to consent to a criminal history record check may constitute grounds for the Commissioner to deny renewal of licensure to the licensee.

(c) Licenses issued under this Article are not assignable. Control of a licensee shall not be acquired through a stock purchase or other device without the prior written consent of the Commissioner. The Commissioner shall not give written consent if the Commissioner finds that any of the grounds for denial, revocation, or suspension of a license pursuant to G.S. 53-243.12 are applicable to the acquiring person."

SECTION 8. G.S. 53-243.07 reads as rewritten:

"**§ 53-243.07. Continuing education.**

(a) As a condition of license renewal, the Commissioner may adopt rules to require continuing education of licensees under this Article for the purpose of enhancing the professional competence and professional responsibility of ~~mortgage bankers, mortgage brokers, and loan officers.~~all licensees. The rules may include criteria for:

(1) The content of continuing education courses.

(2) Accreditation of continuing education sponsors and programs.

(3) Accreditation of videotape or other audiovisual programs.

(4) Computation of credit.

(5) Special cases and exemptions.

(6) General compliance procedures.

(7) Sanctions for noncompliance.

(b) Annual continuing professional education requirements shall be determined by the Commissioner. However, the requirements shall not exceed eight credit hours within a one-year period.

(c) The Commissioner may require education providers of the fundamentals mortgage lending course required under the provisions of G.S. 53-243.05(b)(2) and the continuing education courses required under this section to file information regarding the contents and materials of proposed courses to satisfy the education requirements with the Commissioner for review and approval. The Commissioner may set fees for the initial and continuing review of courses for which credit hours will be granted. The initial filing fee for review of materials shall not exceed five hundred dollars ($500.00) and the fee for continued review shall not exceed two hundred fifty dollars ($250.00) per annum per course offered."

SECTION 9. G.S. 53-243.08 reads as rewritten:

"**§ 53-243.08. Managing principals and branch managers.**

Each mortgage broker or mortgage banker licensed under this Article shall have a managing principal who operates the business under that person's full charge, control, and supervision. Mortgage bankers and mortgage brokers, other than exclusive mortgage brokers, may operate branch offices subject to the requirements of this Article. Each principal and branch office of a mortgage broker or mortgage banker licensed under this ~~Article~~ Article, other than an exclusive mortgage broker qualifying under G.S. 53-243.05(c)(1a), shall have a manager who meets the experience requirements under G.S. 53-243.05(c)(1). The managing principal for a licensee's business may also serve as the branch manager of one of the licensee's branch offices. Each mortgage broker or mortgage banker licensed under this Article shall file a form as prescribed by the Commissioner indicating the business's designation of managing principal and branch manager for each branch and each individual's acceptance of the responsibility. Each mortgage broker or mortgage banker licensed under this Article shall notify the Commissioner of any change in its managing principal or branch manager designated for each branch. Any licensee who does not comply with this provision shall have the licensee's license suspended pursuant to G.S. 53-243.12 until the ~~licensee~~ licensee, other than an exclusive mortgage broker, complies with this section. Any individual licensee who operates as a sole proprietorship shall be considered a managing principal for the purposes of this Article."

SECTION 10. G.S. 53-243.12 is amended by adding a new subsection to read:

"(l) In addition to the authority to require criminal history background checks as set forth in G.S. 53-243.05 and G.S. 53-243.06, the Commissioner shall have the authority to require a criminal history background check at any other time as a condition of continued licensure. Upon the request of the Commissioner, a licensee shall furnish to the Commissioner the licensee's consent to a criminal history record check and a set of the licensee's fingerprints in a form acceptable to the Commissioner. Refusal to consent to a criminal history record check under this subsection may constitute grounds for the Commissioner to suspend or revoke the license of the licensee."

SECTION 11. Article 19A of Chapter 53 of the General Statutes is amended by adding a new section to read:

"**§ 53-243.16. Criminal history record checks.**

The Department of Justice may provide a criminal record check to the Commissioner for a person who has applied for or holds a mortgage broker, exclusive mortgage broker, or loan officer license through the Commissioner under this Article. The Commissioner shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal

Bureau of Investigation for a national criminal history check. The Commissioner shall keep all information pursuant to this section privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge a fee for each applicant for conducting the checks of criminal history records authorized by this section."

SECTION 12. This act is effective when it becomes law and applies to persons who apply for licensure or licensure renewal under Article 19A of Chapter 53 of the General Statutes on or after that date.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **CULPEPPER** (Chair/Chairs) for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

☒ Senate Committee Substitute for
H.B. 1307 A BILL TO BE ENTITLED AN ACT TO AMEND THE MORTGAGE LENDING ACT TO AUTHORIZE LICENSURE OF EXCLUSIVE MORTGAGE BROKERS UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE CRIMINAL HISTORY BACKGROUND CHECKS ON APPLICANTS AND LICENSEES UNDER THE MORTGAGE LENDING ACT, AND TO PROVIDE FOR THE APPROVAL OF EDUCATIONAL COURSES UNDER THE MORTGAGE LENDING 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE
ROOM 1228
LEGISLATIVE BUILDING
October 3, 2002

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

REMAINING BILLS IN COMMITTEE TO BE POSTPONED INDEFINITELY

SB 1283 - PRESIDENT PRO TEM AND SPEAKER APPOINTMENTS

SB 98 - MEETING THE NEEDS OF STUDENTS WITH DISABILITIES

SJR 1478 - ADJOURNMENT SINE DIE

ADJOURNMENT

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

October 3, 2002

The Committee on Rules, Calendar and Operations of the House met on October 3, 2002 at 9:30 p.m. in Room 1228 of the Legislative Building. The following members were present: Representative Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barnhart, Buchanan, Crawford, Culp, Gibson, Gulley, Jarrell, Justus, Luebke, McComas, McCombs, Michaux, Morgan, Rogers, Setzer, Sherrill, Thompson, Willingham and Yongue.

The following bills were considered:

A list of bills remaining in the committee was given to the members, and the chairman requested a motion that they be postponed indefinitely. Representative Buchanan so moved, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 1283 - AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO THE APPOINTMENTS TO BOARDS AND COMMISSIONS. A House proposed 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 AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS was offered, and Representative Allen moved for its adoption for purposes of discussion. Without objection, it was so ordered. Dianna Jessup, staff attorney, was recognized and explained the proposed committee substitute. Representative Michaux sent forth three amendments and moved that they be adopted. The motions carried. Representative Justus sent forth an amendment and moved for its adoption. The motion carried. Representative Michaux then made a motion that the amendments be incorporated into a new House committee substitute, that the new committee substitute be given a favorable report, unfavorable to the Senate committee substitute.

COMMITTEE SUBSTITUTE FOR SENATE BILL 98 – AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS. A House proposed committee substitute changing the title to AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND EXTEND VARIOUS STUDY COMMITTEES AND COMMISSION, AND TO AUTHORIZE OR DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES was offered, and Representative Gulley moved for its adoption for purposes of discussion. Without objection, it was so

ordered. Dianna Jessup was recognized and explained the proposed committee substitute. Representatives Gibson, Michaux, Rogers, Thompson and Justus offered amendments and moved for their adoption, which motions carried. Representative Michaux moved that the amendments be incorporated into a new House committee substitute, that the new House committee substitute be given a favorable report, unfavorable to the Senate committee substitute. The motion carried.

SENATE JOINT RESOLUTION 1478 – A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY. A House committee substitute changing the title to A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY was offered and Representative Buchanan moved for its adoption for purposes of discussion. Without objection, it was so ordered. Representative Buchanan then moved that the House proposed committee substitute be given a favorable report, unfavorable to the Senate joint resolution. The motion carried.

There being no further business, the meeting adjourned at 10:15 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

Bill No.	Short Title
H 1	LOTTERY FOR EDUCATION/INFRASTRUCTURE.
H 5	LAW ENFORCEMENT OFFICER DISCIPLINE
H 10	PRISON TELEPHONE SYSTEM.
H 12	CONDEMNATION REIMBURSEMENT.
H 16	MOVE LEFT PASSING PULLED-OVER VEHICLE.
H 21	COMMISSION CONTRACT AGENT STUDY.
H 30	HMO PATIENT PROTECTION.
H 33	PRESIDENTIAL ELECTORS BY DISTRICT.
H 35	REGIONAL PRIMARY.
H 56	NC COMPETITION INITIATIVE.
H 59	STUDY D/C PENSION PLAN.
H 62	USE OF CELLULAR TELEPHONES.
H 67	LOCAL SALES TAX/HARNETT AND CUMBERLAND.
H 74	NO CELL PHONE USE WHILE DRIVING.
H 79	STUDY COMMISSION ON EARLY RETIREMENT.
H 83	FOUR-YEAR GENERAL ASSEMBLY TERMS.
H 84	IMPLEMENT 4-YEAR TERMS.
H 90	GA COMPENSATION TIED TO STATE EMPLOYEES' COLA.
H 95	ROBESON COUNTY LOCAL ACT-1.
H 96	HOKE COUNTY LOCAL ACT.
H 97	ROBESON COUNTY LOCAL ACT-2.
H 98	MOORE COUNTY LOCAL ACT.
H 103	SCOTLAND COUNTY LOCAL ACT-2.
H 104	SCOTLAND COUNTY LOCAL ACT-1.
H 113	DEVELOPMENT ZONE COMMISSION CHANGES.
H 116	COLUMBUS COUNTY LOCAL ACT-1.
H 117	COLUMBUS COUNTY LOCAL ACT-2.
H 119	BRUNSWICK COUNTY LOCAL ACT-1.
H 123	STUDY ARSON.
H 126	GASTON COUNTY LOCAL ACT-2.
H 127	GASTON COUNTY LOCAL ACT-1.
H 128	HYDE COUNTY LOCAL ACT-3.
H 129	BEAUFORT COUNTY LOCAL ACT-2.
H 131	BEAUFORT COUNTY LOCAL ACT-3.
H 132	HYDE COUNTY LOCAL ACT-2.
H 133	HYDE COUNTY LOCAL ACT-1.
H 134	BEAUFORT COUNTY LOCAL ACT-1.
H 153	MADISON COUNTY LOCAL ACT.
H 154	GRAHAM COUNTY LOCAL ACT.
H 155	SWAIN COUNTY LOCAL ACT.
H 156	HAYWOOD COUNTY LOCAL ACT.
H 157	JACKSON COUNTY LOCAL ACT.
H 158	HOUSE DISTRICT 7 LOCAL SALES TAX.

Bill No.	Short Title
H 161	LONG-TERM CARE LOCAL LEAD AGENCY.
H 171	ONSLOW COUNTY LOCAL ACT-1.
H 173	CARTERET COUNTY LOCAL ACT-2.
H 174	ONSLOW COUNTY LOCAL ACT-2.
H 185	MECKLENBURG COUNTY LOCAL ACT-2.
H 186	MECKLENBURG COUNTY LOCAL ACT-3.
H 187	MECKLENBURG COUNTY LOCAL ACT-1.
H 194	MANAGED CARE PATIENTS' BILL OF RIGHTS.
H 201	41ST HOUSE DISTRICT LOCAL ACT-3.
H 202	41ST HOUSE DISTRICT LOCAL ACT-2.
H 203	41ST HOUSE DISTRICT LOCAL ACT-1.
H 209	JOHNSTON COUNTY LOCAL ACT-2.
H 210	JOHNSTON COUNTY LOCAL ACT-1.
H 211	JOHNSTON COUNTY LOCAL ACT-3.
H 221	CRAVEN COUNTY LOCAL ACT.
H 222	PAMLICO COUNTY LOCAL ACT.
H 229	LRC STUDY INSURANCE AVAILABILITY BEACH AREAS.
H 230	REVIEW OF LOW-WEALTH SCHOOL FUNDING FORMULA.
H 233	22ND HOUSE DISTRICT LOCAL ACT-3.
H 234	22ND HOUSE DISTRICT LOCAL ACT-4.
H 237	41ST HOUSE DISTRICT LOCAL ACT-2.
H 238	41ST HOUSE DISTRICT LOCAL ACT-1.
H 246	GUARDIANSHIP STUDY.
H 248	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES.
H 249	TOWN OF MIDLAND LOCAL ACT-1.
H 251	81ST HOUSE DISTRICT LOCAL ACT-1.
H 252	81ST HOUSE DISTRICT LOCAL ACT-2.
H 260	ELECTION LAWS REVISION.
H 263	GUILFORD COUNTY LOCAL ACT-1.
H 264	GUILFORD COUNTY LOCAL ACT-2.
H 265	CITY OF GREENSBORO LOCAL ACT-2.
H 266	CITY OF GREENSBORO LOCAL ACT-1.
H 267	46TH HOUSE DISTRICT LOCAL ACT-1.
H 268	46TH HOUSE DISTRICT LOCAL ACT-2.
H 269	ROWAN COUNTY LOCAL ACT.
H 271	CABARRUS COUNTY LOCAL ACT-1.
H 272	CABARRUS COUNTY LOCAL ACT-2.
H 280	SESSION LENGTH LIMITS.
H 282	19TH HOUSE DISTRICT LOCAL ACT-3.
H 283	19TH HOUSE DISTRICT LOCAL ACT-2.
H 284	HARNETT LOCAL SALES TAX.
H 302	UNION COUNTY LOCAL ACT-1.
H 303	UNION COUNTY LOCAL ACT-2.

Bill No.	Short Title
H 304	34TH HOUSE DISTRICT LOCAL ACT-1.
H 305	34TH HOUSE DISTRICT LOCAL ACT-2.
H 309	74TH HOUSE DISTRICT LOCAL ACT-2.
H 310	74TH HOUSE DISTRICT LOCAL ACT-1.
H 315	STUDY OF JUVENILES WHO ESCAPE.
H 318	INDEPENDENT REDISTRICTING COMMISSION.
H 319	74TH HOUSE DISTRICT LOCAL ACT-3.
H 322	MEDICAID INCOME LIMITS INCREASE.
H 324	CITY OF GREENSBORO LOCAL ACT 1.
H 336	PERSONS WITH DISABILITIES CHANGES.
H 337	LEGISLATORS' PER DIEM/EXPENSES.
H 339	STANDARDIZED CREDENTIALING/HEALTH CARE PRACTITIO
H 367	GRANVILLE COUNTY LOCAL ACT.
H 368	WELDON ANNEXATION REPEAL.
H 369	VANCE COUNTY LOCAL ACT.
H 370	FRANKLIN COUNTY LOCAL ACT.
H 374	STATE BOXING COMMISSION.
H 384	LRC STUDY GOVERNMENT TORT CLAIMS.
H 400	LRC STUDY WRONGFUL DEATH PROCEEDS.
H 403	6TH HOUSE DISTRICT LOCAL ACT-2.
H 404	6TH HOUSE DISTRICT LOCAL ACT-1.
H 406	GREENE COUNTY LOCAL ACT.
H 407	WAYNE COUNTY LOCAL ACT.
H 408	LENOIR COUNTY LOCAL ACT.
H 419	STUDY TOURISM INDUSTRY.
H 426	LEE LOCAL SALES TAX.
H 448	HOUSE DISTRICT 33-3.
H 450	HOUSE DISTRICT 33-2.
H 456	CHILD ABUSE IN CHILD CARE FACILITY STUDY.
H 461	HOUSE DISTRICT 22 FUNDS-1.
H 465	38TH HOUSE DISTRICT LOCAL ACT-3.
H 466	38TH HOUSE DISTRICT LOCAL ACT-1.
H 468	19TH HOUSE DISTRICT LOCAL ACT-3.
H 469	19TH HOUSE DISTRICT LOCAL ACT-1.
H 470	PAMLICO COUNTY LOCAL ACT.
H 471	JONES COUNTY LOCAL ACT.
H 472	CRAVEN COUNTY LOCAL ACT-1.
H 473	LENOIR COUNTY LOCAL ACT-1.
H 474	79TH HOUSE DISTRICT LOCAL ACT.
H 475	LENOIR COUNTY LOCAL ACT-2.
H 476	CRAVEN COUNTY LOCAL ACT-2.
H 482	PITT LOCAL SALES TAX.
H 483	96TH HOUSE DISTRICT LOCAL ACT-1.

Bill No.	Short Title
H 484	96TH HOUSE DISTRICT LOCAL ACT-3.
H 485	BLADEN COUNTY LOCAL ACT-2.
H 486	96TH HOUSE DISTRICT LOCAL ACT-2.
H 487	BLADEN COUNTY LOCAL ACT-1.
H 488	96TH HOUSE DISTRICT LOCAL ACT-4.
H 497	38TH HOUSE DISTRICT LOCAL ACT-2.
H 499	REVIEW OF COURT ORDERS BY LOCAL SCHOOL BOARDS.
H 500	LOCAL SCHOOL BOARD ELECTIONS-STUDY.
H 503	MECKLENBURG COUNTY LOCAL ACT.
H 505	TOWN OF MINT HILL LOCAL ACT.
H 511	2001 EDUCATION LOTTERY.
H 517	24TH HOUSE DISTRICT LOCAL ACT-3.
H 518	24TH HOUSE DISTRICT LOCAL ACT-1.
H 519	24TH HOUSE DISTRICT LOCAL ACT-2.
H 520	CUMBERLAND COUNTY LOCAL ACT-2.
H 521	CITY OF FAYETTEVILLE LOCAL ACT.
H 523	WAYNE COUNTY LOCAL ACT.
H 524	LENOIR COUNTY LOCAL ACT.
H 527	GASTON COUNTY LOCAL ACT.
H 528	CATAWBA COUNTY LOCAL ACT.
H 529	LINCOLN COUNTY LOCAL ACT.
H 531	RESTRICT TRAWL NETS IN CERTAIN RIVER SYSTEMS.
H 532	TEAM TICKET.
H 536	LRC/STUDY USE OF RED LIGHT CAMERAS.
H 538	CUMBERLAND LOCAL SALES TAX.
H 539	83RD HOUSE DISTRICT LOCAL ACT-1.
H 540	83RD HOUSE DISTRICT LOCAL ACT-2.
H 550	ONSLOW COUNTY LOCAL ACT.
H 551	CITY OF JACKSONVILLE LOCAL ACT.
H 557	BEECH MOUNTAIN LOCAL ACT.
H 559	RUTHERFORD/POLK LOCAL ACT.
H 560	CLEVELAND COUNTY LOCAL ACT.
H 561	ROWAN COUNTY LOCAL ACT-2.
H 562	ROWAN COUNTY LOCAL ACT-1.
H 577	PITT COUNTY LOCAL ACT-2.
H 578	PITT COUNTY LOCAL ACT-1.
H 579	WILSON COUNTY LOCAL ACT-2.
H 581	EDGECOMBE COUNTY LOCAL ACT-1.
H 582	NASH COUNTY LOCAL ACT-2.
H 584	EDGECOMBE COUNTY LOCAL ACT-2.
H 596	84TH HOUSE DISTRICT LOCAL ACT-1.
H 601	SUBSTANDARD SUBDIVISION ROAD STUDY.
H 603	HONORING ESSIE RUTH COOPER RICHARDSON.

Bill No.	Short Title
H 605	TRANSYLVANIA COUNTY LOCAL ACT-2.
H 606	TRANSYLVANIA COUNTY LOCAL ACT-1.
H 607	LOCAL APPOINTEES MUST BE CITIZENS.
H 611	BEECH MOUNTAIN LOCAL ACT-2.
H 613	MECKLENBURG COUNTY LOCAL ACT-3.
H 614	MECKLENBURG COUNTY LOCAL ACT-2.
H 615	MECKLENBURG COUNTY LOCAL ACT-1.
H 625	GASTONIA LOCAL ACT.
H 626	GASTON COUNTY LOCAL ACT.
H 628	CITY OF CHARLOTTE LOCAL ACT.
H 629	MECKLENBURG COUNTY LOCAL ACT.
H 630	35TH HOUSE DISTRICT LOCAL ACT-2.
H 634	AMEND INVESTMENT AND BANKING LAWS.
H 638	9TH HOUSE DISTRICT LOCAL ACT-2.
H 639	9TH HOUSE DISTRICT LOCAL ACT-3.
H 640	9TH HOUSE DISTRICT LOCAL ACT-4.
H 641	9TH HOUSE DISTRICT LOCAL ACT-1.
H 642	TRANSPORTATION POLICY.
H 646	RELIGIOUS FREEDOM RESTORATION ACT.
H 648	MEDICAL EXAMINER STUDY.
H 657	72ND HOUSE DISTRICT LOCAL ACT-2.
H 660	49TH HOUSE DISTRICT LOCAL ACT.
H 662	BORN-ALIVE INFANT PROTECTION ACT.
H 669	PRESCRIPTION DRUG ASSISTANCE FUNDS.
H 672	CHARLOTTE LOCAL ACT.
H 673	CORNELIUS LOCAL ACT.
H 674	MECKLENBURG COUNTY LOCAL ACT.
H 675	HUNTERSVILLE LOCAL ACT.
H 681	POSTING OF TEN COMMANDMENTS IN SCHOOLS.
H 704	BUILDING CODE PILOT PROGRAM.
H 706	WAYNE COUNTY LOCAL ACT.
H 707	SAMPSON COUNTY LOCAL ACT.
H 708	DUPLIN COUNTY LOCAL ACT.
H 713	ROWAN COUNTY LOCAL SALES TAX.
H 718	DURHAM IMPACT TAX.
H 720	REGULATE INTERBASIN TRANSFERS.
H 729	8TH HOUSE DISTRICT LOCAL ACT-2.
H 730	8TH HOUSE DISTRICT LOCAL ACT-1.
H 731	8TH HOUSE DISTRICT LOCAL ACT-3.
H 732	8TH HOUSE DISTRICT LOCAT ACT-4.
H 733	8TH HOUSE DISTRICT LOCAL ACT-5.
H 738	94TH HOUSE DISTRICT LOCAL ACT-2.
H 739	94TH HOUSE DISTRICT LOCAL ACT-1.

Bill No.	Short Title
H 741	31ST HOUSE DISTRICT LOCAL ACT-1.
H 742	MOORE COUNTY HUNTING.
H 743	31ST HOUSE DISTRICT LOCAL ACT-2.
H 745	72ND HOUSE DISTRICT LOCAL ACT-1.
H 750	AVERY COUNTY OCCUPANCY TAX LOCAL ACT.
H 754	ROCKINGHAM COUNTY LOCAL ACT-1.
H 755	ROCKINGHAM COUNTY LOCAL ACT-2.
H 761	CASWELL COUNTY LOCAL ACT.
H 762	CITY OF BURLINGTON LOCAL ACT.
H 764	TAXPAYER PROTECTION ACT.
H 766	50TH HOUSE DISTRICT LOCAL ACT-1.
H 767	50TH HOUSE DISTRICT LOCAL ACT-2.
H 772	DEPOSITS ON BEVERAGE CONTAINERS.
H 775	CUMBERLAND LOCAL SALES TAX.
H 778	PENDER COUNTY LOCAL ACT-1.
H 779	PENDER COUNTY LOCAL ACT-2.
H 780	SAMPSON COUNTY LOCAL ACT-2
H 781	SAMPSON COUNTY LOCAL ACT-1.
H 782	ONSLOW COUNTY LOCAL ACT-1.
H 783	ONSLOW COUNTY LOCAL ACT-2.
H 784	SAMPSON COUNTY LOCAL ACT-3.
H 785	PENDER COUNTY LOCAL ACT-3.
H 786	ONSLOW COUNTY LOCAL ACT-3.
H 799	HAYWOOD LOCAL SALES TAX.
H 801	SPEAKER'S APPOINTMENTS-2.
H 810	STUDY DOMESTIC VIOLENCE FATALITY REVIEW TEAM.
H 811	MADISON COUNTY LOCAL ACT.
H 812	HAYWOOD COUNTY LOCAL ACT.
H 813	GRAHAM COUNTY LOCAL ACT.
H 814	JACKSON COUNTY LOCAL ACT.
H 815	SWAIN COUNTY LOCAL ACT.
H 818	RICHMOND COUNTY LOCAL ACT-1.
H 820	SWAIN LOCAL SALES TAX.
H 823	ED. OV. STUDY NONPUBLIC STUDENTS/PUB. SCH. ACT.
H 826	DARE OCCUPANCY TAX CHANGES.
H 827	TOWN OF JAMESTOWN LOCAL ACT.
H 828	CITY OF HIGH POINT LOCAL ACT.
H 829	CITY OF GREENSBORO LOCAL ACT.
H 830	GUILFORD COUNTY LOCAL ACT.
H 839	BLADEN LOCAL SALES TAX.
H 841	MODIFY CHATHAM IMPACT FEE.
H 853	CHARLOTTE RENTAL CAR TAX.
H 860	REQUIRE TWO-THIRDS VOTE TO RAISE TAXES.

Bill No.	Short Title
H 861	UNION COUNTY SCHOOL TAX REFERENDA.
H 864	MODIFY ORANGE IMPACT FEE.
H 869	98TH HOUSE DISTRICT LOCAL ACT-2
H 870	JUDICIAL CONTRIBUTIONS.
H 876	HENDERSON COUNTY LOCAL ACT.
H 881	TYRRELL TRANSFER TAX.
H 888	51ST HOUSE DISTRICT LOCAL ACT-3.
H 889	WAKE COUNTY LOCAL ACT.
H 890	TOWN OF CARY LOCAL ACT.
H 892	CHARLOTTE/PINEVILLE LOCAL ACT.
H 895	GARNER TRANSPORTATION IMPACT FEES.
H 900	PROGRESS BOARD.
H 908	CARY PARKS IMPACT FEES.
H 909	CARY INCLUSIONARY ZONING.
H 911	CARY GENERAL GOVERNMENT FACILITIES FEES.
H 913	CARY OPEN SPACE IMPACT FEES.
H 919	NO TAKING OF DEER WITH DOGS.
H 920	DURHAM COUNTY LOCAL ACT.
H 922	BUNCOMBE COUNTY LOCAL ACT-1.
H 923	BUNCOMBE COUNTY LOCAL ACT-2.
H 925	WILMINGTON RIVER WALK DISTRICT.
H 927	TOWN OF WRIGHTSVILLE BEACH LOCAL ACT.
H 928	CITY OF WILMINGTON LOCAL ACT.
H 933	TWO-THIRDS VOTE TO LEVY TAXES.
H 940	CHATHAM AUTO TAX FOR ECON. DEVELOPMENT.
H 947	HIGHWAY PATROL POSITION.
H 956	REPEAL UNC AUTHORITY TO RETAIN REVERSIONS.
H 957	STUDY AGE FOR ENTRY INTO PUBLIC SCHOOLS.
H 984	LANDSCAPE/IRRIGATION CONTRACTORS.
H 986	PORTS RAILWAY COMMISSION CHANGES.
H 991	BILL LEE ACT STUDY.
H1010	CONSCIENCE PROT./CONTRACEPTIVE COVERAGE MANDATE.
H1011	REFUSE TO ABORT/EXTEND CONSCIENCE PROTECTION.
H1013	COSMETIC ART FEES/CONTINUING EDUCATION.
H1020	FELONY/STRIKE LAW ENFORCEMENT OFFICER.
H1021	HONORING RAILROAD EMPLOYEES.
H1022	STUDY 28-YEAR RETIREMENT/RETENTION INCENTIVES.
H1069	NATURAL AND ECONOMIC RESOURCES ACT.
H1072	MODIFY N.C. ENVIRONMENTAL RULES.
H1074	LRC-STUDY CERTIFYING ACKNOWLEDGEMENTS.
H1075	NO MULTIMEMBER DISTRICTS.
H1076	REDISTRICTING CRITERIA.
H1077	FIREFIGHTERS' AND RESCUE SQUAD WORKERS' RETIRE.

Bill No.	Short Title
H1078	STUDY FIREFIGHTERS' EARLY RETIREMENT.
H1095	MANAGED CARE OMBUDSMAN PROGRAM.
H1096	NO RETAINAGE/CERTAIN CONSTRUCTION CONTRACTS.
H1101	PRIVACY PROTECTIONS STUDY.
H1104	LIVING INCOME STUDY COMMISSION.
H1114	WASTEWATER STANDARDS FOR DAY CARE CENTERS.
H1115	LONG-TERM CARE CHANGES.
H1124	SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL.
H1134	MUST REPORT THREATS OF SCHOOL VIOLENCE.
H1137	DEAF SCHOOLS CHANGES.
H1151	STUDY VIOLENT HABITUAL FELON LAW.
H1152	STUDY HABITUAL FELON DEFINITION.
H1153	STUDY COLLECTION OF COMMERCIAL DEBT.
H1155	INTERMODAL TRAILER AND CONTAINER REG.
H1159	PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION.
H1162	ESTABLISH LIBERTY DAY.
H1165	PRESCRIPTION DRUG BILL.
H1167	N.C. ENVIRONMENTAL RULES CHANGES.
H1168	AMEND ENVIRONMENTAL RULES FOR N.C.
H1170	MEDICAL TREATMENT PROTOCOL.
H1178	VOTERS RESOLVE LOCAL SCHOOL FUNDING DISPUTES.
H1216	EXTEND SWINE FARM MORATORIA-4.
H1218	2001 EDUCATION LOTTERY REFERENDUM.
H1231	AMEND APPORTIONMENT FORMULA.
H1233	LRC TO STUDY HIWAY PROSPERITY PLANNING ACT.
H1235	SITING LIMITS FOR SANITARY LANDFILLS.
H1240	MEDICAL USE OF MARIJUANA/STUDY.
H1250	FALLEN FIREFIGHTERS MEMORIAL DAY.
H1251	LRC STUDY STATE PAYS FULL MEDICAID SHARE.
H1252	SAFETY PLANNING.
H1253	UNINSURED MOTORIST COVERAGE.
H1256	ED OV. STUDY TEACHER PORTFOLIO REQUIREMENT.
H1258	HISTORIC MONUMENTS/MEMORIALS PROTECTION ACT.
H1261	HONORING N.C. 2000 OLYMPIC MEDAL WINNERS.
H1262	DIRECTING LEGIS. SERVS. COMM. TO REVIEW SECURITY
H1263	STATE EMPLOYEES' HEALTH PLAN BENEFITS.
H1264	STUDY COMMITTEE ON HEPATITIS C.
H1271	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION
H1274	REVENUE LAWS STUDY ENTERTAINMENT TAX.
H1275	UNDERAGE DRINKING STUDY COMMISSION.
H1279	STUDY HIGHER ED. RESIDENCY REQS.
H1290	AMEND UNC LAWS.
H1291	LIMIT EXERCISE OF ETJ POWER.

Bill No.	Short Title
H1296	AMEND TRAFFIC STOP LAWS.
H1297	STUDY GANG VIOLENCE & JUVENILE CRIME PREVENTION.
H1300	STUDY ALTERNATIVE ENERGY SOURCES.
H1315	STUDY RAPIST PARENTAL RIGHTS.
H1319	ENVIRONMENTAL MANAGEMENT COMMISSION AMEND.
H1320	AMEND COASTAL LAWS.
H1329	MV INSURERS-NO MANDATE/NONORIGINAL CRASH PARTS.
H1330	MILITARY VOTING/INTERNET.
H1332	HEALTH CARE FUNDAMENTAL RIGHT.
H1334	USE OF STATE PROP./BLOUNT ST. HISTORIC DIST.
H1336	L.R.C. TO STUDY CERTIFICATE OF NEED LAWS.
H1338	LRC STUDY OF SCHOOL OF SCIENCE & MATH.
H1339	PERMANENT IDENTIFICATION INSIDE BURIAL VAULTS.
H1340	LRC TO STUDY POST-TOWING PROCEDURES.
H1343	HONORING E. T. BEDDINGFIELD, JR.
H1347	SMALL CONSTRUCTION.
H1348	RETIRED SCHOOL COUNSELORS RETURN TO SCHOOLS.
H1349	CLARIFY PAY PROVISIONS/LATERAL ENTRY TEACHER.
H1352	LOCAL REIMBURSEMENTS/SALES TAX.
H1363	GLOBAL TRANSPARK STUDY.
H1372	APPROPRIATIONS FOR COMMUNITY COLLEGES - 1.
H1373	APPROPRIATIONS FOR COMMUNITY COLLEGES - 2.
H1387	APPROPRIATIONS FOR BUNCOMBE COUNTY - BLANK 1.
H1403	APPROPRIATIONS FOR BUNCOMBE COUNTY-BLANK 2.
H1416	STUDY HIV RISK/TREAT-RAPE VICTIM/HEALTH WORKER.
H1420	STUDY DRUG OFFENSES.
H1421	INNOCENCE PROTECTION ACT.
H1437	ADJUST TIER FORMULA.
H1441	BILL LEE ACT CHANGES.
H1443	SUPPORT EDUCATION/MODIFY TAX EXPENDITURES.
H1451	HONORING LT. GEN. JOHN ARCHER LEJEUNE.
H1452	WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 1.
H1453	WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 2.
H1459	HONORING LIFE & MEMORY OF DR. T. REGINALD HARRIS
H1464	HONORING THE LIFE AND MEMORY OF LISTON B. RAMSEY
H1467	HOUSE DISTS. – LESS RETROGRESSION.
H1469	HOUSE DISTRICTS/1% DEVIATION
H1470	HONOR AFRICAN AMER. WHO SERVED IN GEN. ASSEM.
H1479	FIRE SAFETY IN JAILS.
H1480	REPEAL UPPER INCOME TAX BRACKET.
H1483	TIMELY STATE BUDGET ACT.
H1489	LIMIT SESSIONS/FOUR-YEAR TERMS.
H1491	CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.

Bill No.	Short Title
H1494	MORE FISCAL RESPONSIBILITY.
H1495	FISCAL RESPONSIBILITY ACT.
H1527	HONORING CAROLINA HURRICANES.
H1532	CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.
H1542	BUILDING CODE COUNCIL/APA CLARIFICATION.
H1543	HONORING JEREMIAH MORRIS.
H1555	EXTEND 1898 WILMINGTON RACE RIOT COMN.
H1559	GROUP HEALTH INSURANCE/LONG-TERM CARE STAFF.
H1560	COORDINATE DRUG PROGRAM ACCESS.
H1561	LTC CRIMINAL RECORD CHECK STUDY.
H1566	TEMPORARY COMPENSATION REDUCTIONS.
H1569	FLEXIBLE HOURS FOR STATE EMPLOYEES.
H1576	BADIN CHARTER.
H1580	STATE HEALTH PLAN CHANGES.
H1590	CONFIRM. OF JOS. A. SMITH, JR., AS COMM. OF BANK
H1595	CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.
H1608	REVISE PAYDAY LENDING REGULATIONS.
H1611	TRANSYLVANIA AND HARNETT HUNTING.
H1621	RECLASSIFY STATUTORY RAPE.
H1622	AMEND SPECIAL PROBATION DEFINITION.
H1625	OUT OF STATE SCHOOLS W/ NC CAMPUS.
H1639	SENTENCE LENGTHS/STRUCTURED SENTENCE.
H1647	SCHOLARSHIPS FOR CHILDREN OF WAR VETERANS.
H1663	AMEND SPECIAL PROBATION DEFINITION.
H1672	SCOTLAND LOCAL SALES TAX FOR SCHOOLS.
H1676	2002 EDUCATION LOTTERY REFERENDUM.
H1680	ED OVERSIGHT STUDY/ RENAME FSU.
H1688	INTERBASIN TRANSFER EXCEPTION.
H1702	STUDY COMPARATIVE TAX BURDEN.
H1703	TRANSFER PORTS RAILWAY TO STATE PORTS.
H1704	ADJUST PENALTIES B1 TO E OFFENSES.
H1705	RESTRUCTURE PRIOR CRIM. RECORD POINTS.
H1706	N C PORTS.
H1709	EXPAND USE OF 911 FUNDS.
H1710	INDEPENDENT GOVERNMENT REVIEW COMM./FUNDS.
H1712	INTERNET SPAM/FUNDS.
H1713	STUDY ON INSTR. SUPPORT PERSONNEL SALARIES.
H1715	STUDY ON TEACHER RECRUITMENT AND RETENTION.
H1721	LOW-INCOME HOUSING TAX CREDIT AMENDMENT.
H1735	ABOLISH DMV ENFORCEMENT.
H1739	AMEND MENTAL HEALTH REFORM.
H1740	COUNTY SCHOOL APPROPRIATIONS.
H1741	TEACHER'S DUTY TO PREPARE PORTFOLIOS LIMITED.

Bill No.	Short Title
H1742	PERTAINING TO THE DISPLAY OF THE U.S. FLAG.
H1744	GUN TRAFFICKING.
H1746	PERFORMANCE CONTRACTING FOR STATE AGENCIES.
H1755	ANTITERRORISM IDENTITY SECURITY ACT OF 2002.
H1756	REVENUE ESTIMATES LIMITED.
H1757	LOCAL FLEXIBILITY FOR SCHOOL SYSTEMS/STUDY.
H1758	NO UNC LUXURY RESORTS/SPAS.
H1759	ON-LINE VOTING STUDY.
H1760	PREVENT WORKPLACE VIOLENCE.
H1763	COUNTY SCHOOL APPROPRIATIONS.
H1768	EXPUNGE RECORDS/MISIDENTIFICATION OF PERSON.
H1769	UNC EMPLOYEE DESIGNATION.
H1773	CERT. RENEWAL FOR RETIRED TEACHERS LIMITED.
H1781	MEMORIALIZING ALEXANDER TROY.
H1789	ADJOURNMENT-1
H1790	ADJOURNMENT-2
H1791	INTERNET DOMAIN FOR PORNOGRAPHY-1
H1792	ADJOURNMENT-3
H1793	INTERNET DOMAIN FOR PORNOGRAPHY-2
H1794	ADJOURNMENT-4
H1795	INTERNET DOMAIN FOR PORNOGRAPHY-3
H1796	INTERNET WEB DOMAIN FOR PORNOGRAPHY-4.
H1797	INTERNET WEB DOMAIN FOR PORNOGRAPHY-5.
H1798	RESTRICTING LOBBYISTS.
H1799	INTERNET DOMAIN FOR PORNOGRAPHY-6.
H1800	INTERNET WEB DOMAIN FOR PORNOGRAPHY-7
H1801	DEVIATIONS FROM HOUSE RULES.
H1802	INTERNET WEB DOMAIN FOR PORNOGRAPHY-8.
H1803	INTERNET WEB DOMAIN FOR PORNOGRAPHY-9.
H1806	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.
H1807	SUPPORT FOR RECALL AMENDMENT.
H1808	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.
H1809	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.
H1810	SPEAKER TO ALLOW FLOOR DEBATE ON S BILL 1008.
H1811	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008-
H1812	CALLING FOR COMPLIANCE BY OFFICE OF STATE BUDGE
H1813	CALLING ON THE SPEAKER TO ALLOW DEBATE S1008.
H1814	VIOLATION OF HOUSE RULES.
H1815	CALLING ON SPEAKER TO ALLOW DEBATE ON S1008.
S 15	PERSONNEL INFO. NOT DISCLOSED TO MEMBERS OF G.A.
S 52	HONORING GREAT NORTH CAROLINIANS/BILLY GRAHAM.
S 93	NC EDUCATION LOTTERY ADVISORY REFERENDUM.
S 98	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES

Bill No.	Short Title
S140	AD HOC COMMUNITY COLLECTIONS REPORTED.
S 167	RATE SETTING/ADULT DAY CARE.
S 304	LEGISLATORS CAN'T SERVE ON COMM. COLLEGE BD.
S 391	ELIMINATE DISPARITIES IN HEALTH CARE.
S 394	STUDY ADVISORY SBE MEMBERS/HEART TASK FORCE.
S 441	STATE SCHOOL SUPERINTENDENT APPOINTED.
S 484	INCREASE PHARMACY BOARD MEMBERSHIP.
S 586	CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL.
S 626	DOMESTIC VIOLENCE FATALITY REVIEW TEAM.
S 639	DEEP RIVER HERITAGE CORRIDOR.
S 785	GOV'T ATTORNEYS CLE EXEMPTION.
S 931	CAPITAL CASE/JUDGE OVERSEE DISCOVERY.
S 938	STUDY DATE RAPE DRUG ANALOGUES.
S1008	BAN VIDEO POKER/ALL BUT RESERVATIONS.
S1024	AMEND APPOINTMENT OF EMC MEMBERS.
S1032	MINORS' INTERNET ACCESS.
S1137	COUNTY UTILITIES AUTHORITY
S1140	AMEND DEFINITION OF CONVENTION CENTER.
S1162	DEFRAUD DRUG TESTS/URINE SAMPLE SALES.
S1163	FLEXIBLE HOURS FOR STATE EMPLOYEES.
S1199	COORDINATE DRUG PROGRAM ACCESS.
S1210	WINERY WASTEWATER MANAGEMENT.
S1214	AMEND PUBLIC ENTER. CUSTOMER BILLING PRIVACY.
S1248	PENSION ASSURANCE FUND
S1282	AGENCIES SHARE JUVENILE INFORMATION
S1420	SHAKEDOWN PREVENTION.
S1471	INDEPENDENCE DAY.
S1472	CAROWINDS 30TH ANNIVERSARY.

2001 - 2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following 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.

Bill No.	Short Title
H 1	LOTTERY FOR EDUCATION/INFRASTRUCTURE.
H 5	LAW ENFORCEMENT OFFICER DISCIPLINE
H 10	PRISON TELEPHONE SYSTEM.
H 12	CONDEMNATION REIMBURSEMENT.
H 16	MOVE LEFT PASSING PULLED-OVER VEHICLE.
H 21	COMMISSION CONTRACT AGENT STUDY.
H 30	HMO PATIENT PROTECTION.
H 33	PRESIDENTIAL ELECTORS BY DISTRICT.
H 35	REGIONAL PRIMARY.
H 56	NC COMPETITION INITIATIVE.
H 59	STUDY D/C PENSION PLAN.
H 62	USE OF CELLULAR TELEPHONES.
H 67	LOCAL SALES TAX/HARNETT AND CUMBERLAND.
H 74	NO CELL PHONE USE WHILE DRIVING.
H 79	STUDY COMMISSION ON EARLY RETIREMENT.
H 83	FOUR-YEAR GENERAL ASSEMBLY TERMS.
H 84	IMPLEMENT 4-YEAR TERMS.
H 90	GA COMPENSATION TIED TO STATE EMPLOYEES' COLA.
H 95	ROBESON COUNTY LOCAL ACT-1.
H 96	HOKE COUNTY LOCAL ACT.
H 97	ROBESON COUNTY LOCAL ACT-2.
H 98	MOORE COUNTY LOCAL ACT.
H 103	SCOTLAND COUNTY LOCAL ACT-2.
H 104	SCOTLAND COUNTY LOCAL ACT-1.
H 113	DEVELOPMENT ZONE COMMISSION CHANGES.
H 116	COLUMBUS COUNTY LOCAL ACT-1.
H 117	COLUMBUS COUNTY LOCAL ACT-2.
H 119	BRUNSWICK COUNTY LOCAL ACT-1.
H 123	STUDY ARSON.
H 126	GASTON COUNTY LOCAL ACT-2.
H 127	GASTON COUNTY LOCAL ACT-1.
H 128	HYDE COUNTY LOCAL ACT-3.
H 129	BEAUFORT COUNTY LOCAL ACT-2.
H 131	BEAUFORT COUNTY LOCAL ACT-3.
H 132	HYDE COUNTY LOCAL ACT-2.
H 133	HYDE COUNTY LOCAL ACT-1.

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
_____ the House amendment (s).
_____the House committee substitute bill.
____ 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.

Bill No.	Short Title
H 134	BEAUFORT COUNTY LOCAL ACT-1.
H 153	MADISON COUNTY LOCAL ACT.
H 154	GRAHAM COUNTY LOCAL ACT.
H 155	SWAIN COUNTY LOCAL ACT.
H 156	HAYWOOD COUNTY LOCAL ACT.
H 157	JACKSON COUNTY LOCAL ACT.
H 158	HOUSE DISTRICT 7 LOCAL SALES TAX.
H 161	LONG-TERM CARE LOCAL LEAD AGENCY.
H 171	ONSLOW COUNTY LOCAL ACT-1.
H 173	CARTERET COUNTY LOCAL ACT-2.
H 174	ONSLOW COUNTY LOCAL ACT-2.
H 185	MECKLENBURG COUNTY LOCAL ACT-2.
H 186	MECKLENBURG COUNTY LOCAL ACT-3.
H 187	MECKLENBURG COUNTY LOCAL ACT-1.
H 194	MANAGED CARE PATIENTS' BILL OF RIGHTS.
H 201	41ST HOUSE DISTRICT LOCAL ACT-3.
H 202	41ST HOUSE DISTRICT LOCAL ACT-2.
H 203	41ST HOUSE DISTRICT LOCAL ACT-1.
H 209	JOHNSTON COUNTY LOCAL ACT-2.
H 210	JOHNSTON COUNTY LOCAL ACT-1.
H 211	JOHNSTON COUNTY LOCAL ACT-3.
H 221	CRAVEN COUNTY LOCAL ACT.
H 222	PAMLICO COUNTY LOCAL ACT.
H 229	LRC STUDY INSURANCE AVAILABILITY BEACH AREAS.
H 230	REVIEW OF LOW-WEALTH SCHOOL FUNDING FORMULA.
H 233	22ND HOUSE DISTRICT LOCAL ACT-3.
H 234	22ND HOUSE DISTRICT LOCAL ACT-4.
H 237	41ST HOUSE DISTRICT LOCAL ACT-2.
H 238	41ST HOUSE DISTRICT LOCAL ACT-1.
H 246	GUARDIANSHIP STUDY.
H 248	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES.
H 249	TOWN OF MIDLAND LOCAL ACT-1.
H 251	81ST HOUSE DISTRICT LOCAL ACT-1.
H 252	81ST HOUSE DISTRICT LOCAL ACT-2.
H 260	ELECTION LAWS REVISION.
H 263	GUILFORD COUNTY LOCAL ACT-1.
H 264	GUILFORD COUNTY LOCAL ACT-2.
H 265	CITY OF GREENSBORO LOCAL ACT-2.
H 266	CITY OF GREENSBORO LOCAL ACT-1.
H 267	46TH HOUSE DISTRICT LOCAL ACT-1.
H 268	46TH HOUSE DISTRICT LOCAL ACT-2.
H 269	ROWAN COUNTY LOCAL ACT.
H 271	CABARRUS COUNTY LOCAL ACT-1.
H 272	CABARRUS COUNTY LOCAL ACT-2.
H 280	SESSION LENGTH LIMITS.
H 282	19TH HOUSE DISTRICT LOCAL ACT-3.
H 283	19TH HOUSE DISTRICT LOCAL ACT-2.
H 284	HARNETT LOCAL SALES TAX.
H 302	UNION COUNTY LOCAL ACT-1.

Bill No.	Short Title
H 303	UNION COUNTY LOCAL ACT-2.
H 304	34TH HOUSE DISTRICT LOCAL ACT-1.
H 305	34TH HOUSE DISTRICT LOCAL ACT-2.
H 309	74TH HOUSE DISTRICT LOCAL ACT-2.
H 310	74TH HOUSE DISTRICT LOCAL ACT-1.
H 315	STUDY OF JUVENILES WHO ESCAPE.
H 318	INDEPENDENT REDISTRICTING COMMISSION.
H 319	74TH HOUSE DISTRICT LOCAL ACT-3.
H 322	MEDICAID INCOME LIMITS INCREASE.
H 324	CITY OF GREENSBORO LOCAL ACT 1.
H 336	PERSONS WITH DISABILITIES CHANGES.
H 337	LEGISLATORS' PER DIEM/EXPENSES.
H 339	STANDARDIZED CREDENTIALING/HEALTH CARE PRACTITIO
H 367	GRANVILLE COUNTY LOCAL ACT.
H 368	WELDON ANNEXATION REPEAL.
H 369	VANCE COUNTY LOCAL ACT.
H 370	FRANKLIN COUNTY LOCAL ACT.
H 374	STATE BOXING COMMISSION.
H 384	LRC STUDY GOVERNMENT TORT CLAIMS.
H 400	LRC STUDY WRONGFUL DEATH PROCEEDS.
H 403	6TH HOUSE DISTRICT LOCAL ACT-2.
H 404	6TH HOUSE DISTRICT LOCAL ACT-1.
H 406	GREENE COUNTY LOCAL ACT.
H 407	WAYNE COUNTY LOCAL ACT.
H 408	LENOIR COUNTY LOCAL ACT.
H 419	STUDY TOURISM INDUSTRY.
H 426	LEE LOCAL SALES TAX.
H 448	HOUSE DISTRICT 33-3.
H 450	HOUSE DISTRICT 33-2.
H 456	CHILD ABUSE IN CHILD CARE FACILITY STUDY.
H 461	HOUSE DISTRICT 22 FUNDS-1.
H 465	38TH HOUSE DISTRICT LOCAL ACT-3.
H 466	38TH HOUSE DISTRICT LOCAL ACT-1.
H 468	19TH HOUSE DISTRICT LOCAL ACT-3.
H 469	19TH HOUSE DISTRICT LOCAL ACT-1.
H 470	PAMLICO COUNTY LOCAL ACT.
H 471	JONES COUNTY LOCAL ACT.
H 472	CRAVEN COUNTY LOCAL ACT-1.
H 473	LENOIR COUNTY LOCAL ACT-1.
H 474	79TH HOUSE DISTRICT LOCAL ACT.
H 475	LENOIR COUNTY LOCAL ACT-2.
H 476	CRAVEN COUNTY LOCAL ACT-2.
H 482	PITT LOCAL SALES TAX.
H 483	96TH HOUSE DISTRICT LOCAL ACT-1.
H 484	96TH HOUSE DISTRICT LOCAL ACT-3.
H 485	BLADEN COUNTY LOCAL ACT-2.
H 486	96TH HOUSE DISTRICT LOCAL ACT-2.
H 487	BLADEN COUNTY LOCAL ACT-1.
H 488	96TH HOUSE DISTRICT LOCAL ACT-4.

Bill No.	Short Title
H 497	38TH HOUSE DISTRICT LOCAL ACT-2.
H 499	REVIEW OF COURT ORDERS BY LOCAL SCHOOL BOARDS.
H 500	LOCAL SCHOOL BOARD ELECTIONS-STUDY.
H 503	MECKLENBURG COUNTY LOCAL ACT.
H 505	TOWN OF MINT HILL LOCAL ACT.
H 511	2001 EDUCATION LOTTERY.
H 517	24TH HOUSE DISTRICT LOCAL ACT-3.
H 518	24TH HOUSE DISTRICT LOCAL ACT-1.
H 519	24TH HOUSE DISTRICT LOCAL ACT-2.
H 520	CUMBERLAND COUNTY LOCAL ACT-2.
H 521	CITY OF FAYETTEVILLE LOCAL ACT.
H 523	WAYNE COUNTY LOCAL ACT.
H 524	LENOIR COUNTY LOCAL ACT.
H 527	GASTON COUNTY LOCAL ACT.
H 528	CATAWBA COUNTY LOCAL ACT.
H 529	LINCOLN COUNTY LOCAL ACT.
H 531	RESTRICT TRAWL NETS IN CERTAIN RIVER SYSTEMS.
H 532	TEAM TICKET.
H 536	LRC/STUDY USE OF RED LIGHT CAMERAS.
H 538	CUMBERLAND LOCAL SALES TAX.
H 539	83RD HOUSE DISTRICT LOCAL ACT-1.
H 540	83RD HOUSE DISTRICT LOCAL ACT-2.
H 550	ONSLOW COUNTY LOCAL ACT.
H 551	CITY OF JACKSONVILLE LOCAL ACT.
H 557	BEECH MOUNTAIN LOCAL ACT.
H 559	RUTHERFORD/POLK LOCAL ACT.
H 560	CLEVELAND COUNTY LOCAL ACT.
H 561	ROWAN COUNTY LOCAL ACT-2.
H 562	ROWAN COUNTY LOCAL ACT-1.
H 577	PITT COUNTY LOCAL ACT-2.
H 578	PITT COUNTY LOCAL ACT-1.
H 579	WILSON COUNTY LOCAL ACT-2.
H 581	EDGECOMBE COUNTY LOCAL ACT-1.
H 582	NASH COUNTY LOCAL ACT-2.
H 584	EDGECOMBE COUNTY LOCAL ACT-2.
H 596	84TH HOUSE DISTRICT LOCAL ACT-1.
H 601	SUBSTANDARD SUBDIVISION ROAD STUDY.
H 603	HONORING ESSIE RUTH COOPER RICHARDSON.
H 605	TRANSYLVANIA COUNTY LOCAL ACT-2.
H 606	TRANSYLVANIA COUNTY LOCAL ACT-1.
H 607	LOCAL APPOINTEES MUST BE CITIZENS.
H 611	BEECH MOUNTAIN LOCAL ACT-2.
H 613	MECKLENBURG COUNTY LOCAL ACT-3.
H 614	MECKLENBURG COUNTY LOCAL ACT-2.
H 615	MECKLENBURG COUNTY LOCAL ACT-1.
H 625	GASTONIA LOCAL ACT.
H 626	GASTON COUNTY LOCAL ACT.
H 628	CITY OF CHARLOTTE LOCAL ACT.
H 629	MECKLENBURG COUNTY LOCAL ACT.

Bill No.	Short Title
H 630	35TH HOUSE DISTRICT LOCAL ACT-2.
H 634	AMEND INVESTMENT AND BANKING LAWS.
H 638	9TH HOUSE DISTRICT LOCAL ACT-2.
H 639	9TH HOUSE DISTRICT LOCAL ACT-3.
H 640	9TH HOUSE DISTRICT LOCAL ACT-4.
H 641	9TH HOUSE DISTRICT LOCAL ACT-1.
H 642	TRANSPORTATION POLICY.
H 646	RELIGIOUS FREEDOM RESTORATION ACT.
H 648	MEDICAL EXAMINER STUDY.
H 657	72ND HOUSE DISTRICT LOCAL ACT-2.
H 660	49TH HOUSE DISTRICT LOCAL ACT.
H 662	BORN-ALIVE INFANT PROTECTION ACT.
H 669	PRESCRIPTION DRUG ASSISTANCE FUNDS.
H 672	CHARLOTTE LOCAL ACT.
H 673	CORNELIUS LOCAL ACT.
H 674	MECKLENBURG COUNTY LOCAL ACT.
H 675	HUNTERSVILLE LOCAL ACT.
H 681	POSTING OF TEN COMMANDMENTS IN SCHOOLS.
H 704	BUILDING CODE PILOT PROGRAM.
H 706	WAYNE COUNTY LOCAL ACT.
H 707	SAMPSON COUNTY LOCAL ACT.
H 708	DUPLIN COUNTY LOCAL ACT.
H 713	ROWAN COUNTY LOCAL SALES TAX.
H 718	DURHAM IMPACT TAX.
H 720	REGULATE INTERBASIN TRANSFERS.
H 729	8TH HOUSE DISTRICT LOCAL ACT-2.
H 730	8TH HOUSE DISTRICT LOCAL ACT-1.
H 731	8TH HOUSE DISTRICT LOCAL ACT-3.
H 732	8TH HOUSE DISTRICT LOCAT ACT-4.
H 733	8TH HOUSE DISTRICT LOCAL ACT-5.
H 738	94TH HOUSE DISTRICT LOCAL ACT-2.
H 739	94TH HOUSE DISTRICT LOCAL ACT-1.
H 741	31ST HOUSE DISTRICT LOCAL ACT-1.
H 742	MOORE COUNTY HUNTING.
H 743	31ST HOUSE DISTRICT LOCAL ACT-2.
H 745	72ND HOUSE DISTRICT LOCAL ACT-1.
H 750	AVERY COUNTY OCCUPANCY TAX LOCAL ACT.
H 754	ROCKINGHAM COUNTY LOCAL ACT-1.
H 755	ROCKINGHAM COUNTY LOCAL ACT-2.
H 761	CASWELL COUNTY LOCAL ACT.
H 762	CITY OF BURLINGTON LOCAL ACT.
H 764	TAXPAYER PROTECTION ACT.
H 766	50TH HOUSE DISTRICT LOCAL ACT-1.
H 767	50TH HOUSE DISTRICT LOCAL ACT-2.
H 772	DEPOSITS ON BEVERAGE CONTAINERS.
H 775	CUMBERLAND LOCAL SALES TAX.
H 778	PENDER COUNTY LOCAL ACT-1.
H 779	PENDER COUNTY LOCAL ACT-2.
H 780	SAMPSON COUNTY LOCAL ACT-2

Bill No.	Short Title
H 781	SAMPSON COUNTY LOCAL ACT-1.
H 782	ONSLOW COUNTY LOCAL ACT-1.
H 783	ONSLOW COUNTY LOCAL ACT-2.
H 784	SAMPSON COUNTY LOCAL ACT-3.
H 785	PENDER COUNTY LOCAL ACT-3.
H 786	ONSLOW COUNTY LOCAL ACT-3.
H 799	HAYWOOD LOCAL SALES TAX.
H 801	SPEAKER'S APPOINTMENTS-2.
H 810	STUDY DOMESTIC VIOLENCE FATALITY REVIEW TEAM.
H 811	MADISON COUNTY LOCAL ACT.
H 812	HAYWOOD COUNTY LOCAL ACT.
H 813	GRAHAM COUNTY LOCAL ACT.
H 814	JACKSON COUNTY LOCAL ACT.
H 815	SWAIN COUNTY LOCAL ACT.
H 818	RICHMOND COUNTY LOCAL ACT-1.
H 820	SWAIN LOCAL SALES TAX.
H 823	ED. OV. STUDY NONPUBLIC STUDENTS/PUB. SCH. ACT.
H 826	DARE OCCUPANCY TAX CHANGES.
H 827	TOWN OF JAMESTOWN LOCAL ACT.
H 828	CITY OF HIGH POINT LOCAL ACT.
H 829	CITY OF GREENSBORO LOCAL ACT.
H 830	GUILFORD COUNTY LOCAL ACT.
H 839	BLADEN LOCAL SALES TAX.
H 841	MODIFY CHATHAM IMPACT FEE.
H 853	CHARLOTTE RENTAL CAR TAX.
H 860	REQUIRE TWO-THIRDS VOTE TO RAISE TAXES.
H 861	UNION COUNTY SCHOOL TAX REFERENDA.
H 864	MODIFY ORANGE IMPACT FEE.
H 869	98TH HOUSE DISTRICT LOCAL ACT-2
H 870	JUDICIAL CONTRIBUTIONS.
H 876	HENDERSON COUNTY LOCAL ACT.
H 881	TYRRELL TRANSFER TAX.
H 888	51ST HOUSE DISTRICT LOCAL ACT-3.
H 889	WAKE COUNTY LOCAL ACT.
H 890	TOWN OF CARY LOCAL ACT.
H 892	CHARLOTTE/PINEVILLE LOCAL ACT.
H 895	GARNER TRANSPORTATION IMPACT FEES.
H 900	PROGRESS BOARD.
H 908	CARY PARKS IMPACT FEES.
H 909	CARY INCLUSIONARY ZONING.
H 911	CARY GENERAL GOVERNMENT FACILITIES FEES.
H 913	CARY OPEN SPACE IMPACT FEES.
H 919	NO TAKING OF DEER WITH DOGS.
H 920	DURHAM COUNTY LOCAL ACT.
H 922	BUNCOMBE COUNTY LOCAL ACT-1.
H 923	BUNCOMBE COUNTY LOCAL ACT-2.
H 925	WILMINGTON RIVER WALK DISTRICT.
H 927	TOWN OF WRIGHTSVILLE BEACH LOCAL ACT.
H 928	CITY OF WILMINGTON LOCAL ACT.

Bill No.	Short Title
H 933	TWO-THIRDS VOTE TO LEVY TAXES.
H 940	CHATHAM AUTO TAX FOR ECON. DEVELOPMENT.
H 947	HIGHWAY PATROL POSITION.
H 956	REPEAL UNC AUTHORITY TO RETAIN REVERSIONS.
H 957	STUDY AGE FOR ENTRY INTO PUBLIC SCHOOLS.
H 984	LANDSCAPE/IRRIGATION CONTRACTORS.
H 986	PORTS RAILWAY COMMISSION CHANGES.
H 991	BILL LEE ACT STUDY.
H1010	CONSCIENCE PROT./CONTRACEPTIVE COVERAGE MANDATE.
H1011	REFUSE TO ABORT/EXTEND CONSCIENCE PROTECTION.
H1013	COSMETIC ART FEES/CONTINUING EDUCATION.
H1020	FELONY/STRIKE LAW ENFORCEMENT OFFICER.
H1021	HONORING RAILROAD EMPLOYEES.
H1022	STUDY 28-YEAR RETIREMENT/RETENTION INCENTIVES.
H1069	NATURAL AND ECONOMIC RESOURCES ACT.
H1072	MODIFY N.C. ENVIRONMENTAL RULES.
H1074	LRC-STUDY CERTIFYING ACKNOWLEDGEMENTS.
H1075	NO MULTIMEMBER DISTRICTS.
H1076	REDISTRICTING CRITERIA.
H1077	FIREFIGHTERS' AND RESCUE SQUAD WORKERS' RETIRE.
H1078	STUDY FIREFIGHTERS' EARLY RETIREMENT.
H1095	MANAGED CARE OMBUDSMAN PROGRAM.
H1096	NO RETAINAGE/CERTAIN CONSTRUCTION CONTRACTS.
H1101	PRIVACY PROTECTIONS STUDY.
H1104	LIVING INCOME STUDY COMMISSION.
H1114	WASTEWATER STANDARDS FOR DAY CARE CENTERS.
H1115	LONG-TERM CARE CHANGES.
H1124	SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL.
H1134	MUST REPORT THREATS OF SCHOOL VIOLENCE.
H1137	DEAF SCHOOLS CHANGES.
H1151	STUDY VIOLENT HABITUAL FELON LAW.
H1152	STUDY HABITUAL FELON DEFINITION.
H1153	STUDY COLLECTION OF COMMERCIAL DEBT.
H1155	INTERMODAL TRAILER AND CONTAINER REG.
H1159	PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION.
H1162	ESTABLISH LIBERTY DAY.
H1165	PRESCRIPTION DRUG BILL.
H1167	N.C. ENVIRONMENTAL RULES CHANGES.
H1168	AMEND ENVIRONMENTAL RULES FOR N.C.
H1170	MEDICAL TREATMENT PROTOCOL.
H1178	VOTERS RESOLVE LOCAL SCHOOL FUNDING DISPUTES.
H1216	EXTEND SWINE FARM MORATORIA-4.
H1218	2001 EDUCATION LOTTERY REFERENDUM.
H1231	AMEND APPORTIONMENT FORMULA.
H1233	LRC TO STUDY HIWAY PROSPERITY PLANNING ACT.
H1235	SITING LIMITS FOR SANITARY LANDFILLS.
H1240	MEDICAL USE OF MARIJUANA/STUDY.
H1250	FALLEN FIREFIGHTERS MEMORIAL DAY.
H1251	LRC STUDY STATE PAYS FULL MEDICAID SHARE.

Bill No.	Short Title
H1252	SAFETY PLANNING.
H1253	UNINSURED MOTORIST COVERAGE.
H1256	ED OV. STUDY TEACHER PORTFOLIO REQUIREMENT.
H1258	HISTORIC MONUMENTS/MEMORIALS PROTECTION ACT.
H1261	HONORING N.C. 2000 OLYMPIC MEDAL WINNERS.
H1262	DIRECTING LEGIS. SERVS. COMM. TO REVIEW SECURITY
H1263	STATE EMPLOYEES' HEALTH PLAN BENEFITS.
H1264	STUDY COMMITTEE ON HEPATITIS C.
H1271	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION
H1274	REVENUE LAWS STUDY ENTERTAINMENT TAX.
H1275	UNDERAGE DRINKING STUDY COMMISSION.
H1279	STUDY HIGHER ED. RESIDENCY REQS.
H1290	AMEND UNC LAWS.
H1291	LIMIT EXERCISE OF ETJ POWER.
H1296	AMEND TRAFFIC STOP LAWS.
H1297	STUDY GANG VIOLENCE & JUVENILE CRIME PREVENTION.
H1300	STUDY ALTERNATIVE ENERGY SOURCES.
H1315	STUDY RAPIST PARENTAL RIGHTS.
H1319	ENVIRONMENTAL MANAGEMENT COMMISSION AMEND.
H1320	AMEND COASTAL LAWS.
H1329	MV INSURERS-NO MANDATE/NONORIGINAL CRASH PARTS.
H1330	MILITARY VOTING/INTERNET.
H1332	HEALTH CARE FUNDAMENTAL RIGHT.
H1334	USE OF STATE PROP./BLOUNT ST. HISTORIC DIST.
H1336	L.R.C. TO STUDY CERTIFICATE OF NEED LAWS.
H1338	LRC STUDY OF SCHOOL OF SCIENCE & MATH.
H1339	PERMANENT IDENTIFICATION INSIDE BURIAL VAULTS.
H1340	LRC TO STUDY POST-TOWING PROCEDURES.
H1343	HONORING E. T. BEDDINGFIELD, JR.
H1347	SMALL CONSTRUCTION.
H1348	RETIRED SCHOOL COUNSELORS RETURN TO SCHOOLS.
H1349	CLARIFY PAY PROVISIONS/LATERAL ENTRY TEACHER.
H1352	LOCAL REIMBURSEMENTS/SALES TAX.
H1363	GLOBAL TRANSPARK STUDY.
H1372	APPROPRIATIONS FOR COMMUNITY COLLEGES - 1.
H1373	APPROPRIATIONS FOR COMMUNITY COLLEGES - 2.
H1387	APPROPRIATIONS FOR BUNCOMBE COUNTY - BLANK 1.
H1403	APPROPRIATIONS FOR BUNCOMBE COUNTY-BLANK 2.
H1416	STUDY HIV RISK/TREAT-RAPE VICTIM/HEALTH WORKER.
H1420	STUDY DRUG OFFENSES.
H1421	INNOCENCE PROTECTION ACT.
H1437	ADJUST TIER FORMULA.
H1441	BILL LEE ACT CHANGES.
H1443	SUPPORT EDUCATION/MODIFY TAX EXPENDITURES.
H1451	HONORING LT. GEN. JOHN ARCHER LEJEUNE.
H1452	WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 1.
H1453	WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 2.
H1459	HONORING LIFE & MEMORY OF DR. T. REGINALD HARRIS
H1464	HONORING THE LIFE AND MEMORY OF LISTON B. RAMSEY

Bill No.	Short Title
H1467	HOUSE DISTS. – LESS RETROGRESSION.
H1469	HOUSE DISTRICTS/1% DEVIATION
H1470	HONOR AFRICAN AMER. WHO SERVED IN GEN. ASSEM.
H1479	FIRE SAFETY IN JAILS.
H1480	REPEAL UPPER INCOME TAX BRACKET.
H1483	TIMELY STATE BUDGET ACT.
H1489	LIMIT SESSIONS/FOUR-YEAR TERMS.
H1491	CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.
H1494	MORE FISCAL RESPONSIBILITY.
H1495	FISCAL RESPONSIBILITY ACT.
H1527	HONORING CAROLINA HURRICANES.
H1532	CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.
H1542	BUILDING CODE COUNCIL/APA CLARIFICATION.
H1543	HONORING JEREMIAH MORRIS.
H1555	EXTEND 1898 WILMINGTON RACE RIOT COMN.
H1559	GROUP HEALTH INSURANCE/LONG-TERM CARE STAFF.
H1560	COORDINATE DRUG PROGRAM ACCESS.
H1561	LTC CRIMINAL RECORD CHECK STUDY.
H1566	TEMPORARY COMPENSATION REDUCTIONS.
H1569	FLEXIBLE HOURS FOR STATE EMPLOYEES.
H1576	BADIN CHARTER.
H1580	STATE HEALTH PLAN CHANGES.
H1590	CONFIRM. OF JOS. A. SMITH, JR., AS COMM. OF BANK
H1595	CONSTITUTION PROHIBIT HOLDING LOCAL FUNDS.
H1608	REVISE PAYDAY LENDING REGULATIONS.
H1611	TRANSYLVANIA AND HARNETT HUNTING.
H1621	RECLASSIFY STATUTORY RAPE.
H1622	AMEND SPECIAL PROBATION DEFINITION.
H1625	OUT OF STATE SCHOOLS W/ NC CAMPUS.
H1639	SENTENCE LENGTHS/STRUCTURED SENTENCE.
H1647	SCHOLARSHIPS FOR CHILDREN OF WAR VETERANS.
H1663	AMEND SPECIAL PROBATION DEFINITION.
H1672	SCOTLAND LOCAL SALES TAX FOR SCHOOLS.
H1676	2002 EDUCATION LOTTERY REFERENDUM.
H1680	ED OVERSIGHT STUDY/ RENAME FSU.
H1688	INTERBASIN TRANSFER EXCEPTION.
H1702	STUDY COMPARATIVE TAX BURDEN.
H1703	TRANSFER PORTS RAILWAY TO STATE PORTS.
H1704	ADJUST PENALTIES B1 TO E OFFENSES.
H1705	RESTRUCTURE PRIOR CRIM. RECORD POINTS.
H1706	N C PORTS.
H1709	EXPAND USE OF 911 FUNDS.
H1710	INDEPENDENT GOVERNMENT REVIEW COMM./FUNDS.
H1712	INTERNET SPAM/FUNDS.
H1713	STUDY ON INSTR. SUPPORT PERSONNEL SALARIES.
H1715	STUDY ON TEACHER RECRUITMENT AND RETENTION.
H1721	LOW-INCOME HOUSING TAX CREDIT AMENDMENT.
H1735	ABOLISH DMV ENFORCEMENT.
H1739	AMEND MENTAL HEALTH REFORM.

Bill No.	Short Title
H1740	COUNTY SCHOOL APPROPRIATIONS.
H1741	TEACHER'S DUTY TO PREPARE PORTFOLIOS LIMITED.
H1742	PERTAINING TO THE DISPLAY OF THE U.S. FLAG.
H1744	GUN TRAFFICKING.
H1746	PERFORMANCE CONTRACTING FOR STATE AGENCIES.
H1755	ANTITERRORISM IDENTITY SECURITY ACT OF 2002.
H1756	REVENUE ESTIMATES LIMITED.
H1757	LOCAL FLEXIBILITY FOR SCHOOL SYSTEMS/STUDY.
H1758	NO UNC LUXURY RESORTS/SPAS.
H1759	ON-LINE VOTING STUDY.
H1760	PREVENT WORKPLACE VIOLENCE.
H1763	COUNTY SCHOOL APPROPRIATIONS.
H1768	EXPUNGE RECORDS/MISIDENTIFICATION OF PERSON.
H1769	UNC EMPLOYEE DESIGNATION.
H1773	CERT. RENEWAL FOR RETIRED TEACHERS LIMITED.
H1781	MEMORIALIZING ALEXANDER TROY.
H1789	ADJOURNMENT-1
H1790	ADJOURNMENT-2
H1791	INTERNET DOMAIN FOR PORNOGRAPHY-1
H1792	ADJOURNMENT-3
H1793	INTERNET DOMAIN FOR PORNOGRAPHY-2
H1794	ADJOURNMENT-4
H1795	INTERNET DOMAIN FOR PORNOGRAPHY-3
H1796	INTERNET WEB DOMAIN FOR PORNOGRAPHY-4.
H1797	INTERNET WEB DOMAIN FOR PORNOGRAPHY-5.
H1798	RESTRICTING LOBBYISTS.
H1799	INTERNET DOMAIN FOR PORNOGRAPHY-6.
H1800	INTERNET WEB DOMAIN FOR PORNOGRAPHY-7
H1801	DEVIATIONS FROM HOUSE RULES.
H1802	INTERNET WEB DOMAIN FOR PORNOGRAPHY-8.
H1803	INTERNET WEB DOMAIN FOR PORNOGRAPHY-9.
H1806	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.
H1807	SUPPORT FOR RECALL AMENDMENT.
H1808	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.
H1809	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008.
H1810	SPEAKER TO ALLOW FLOOR DEBATE ON S BILL 1008.
H1811	CALLING ON THE SPEAKER TO ALLOW DEBATE ON S1008-
H1812	CALLING FOR COMPLIANCE BY OFFICE OF STATE BUDGE
H1813	CALLING ON THE SPEAKER TO ALLOW DEBATE S1008.
H1814	VIOLATION OF HOUSE RULES.
H1815	CALLING ON SPEAKER TO ALLOW DEBATE ON S1008.
S 15	PERSONNEL INFO. NOT DISCLOSED TO MEMBERS OF G.A.
S 52	HONORING GREAT NORTH CAROLINIANS/BILLY GRAHAM.
S 93	NC EDUCATION LOTTERY ADVISORY REFERENDUM.
S 98	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES
S140	AD HOC COMMUNITY COLLECTIONS REPORTED.
S 167	RATE SETTING/ADULT DAY CARE.
S 304	LEGISLATORS CAN'T SERVE ON COMM. COLLEGE BD.
S 391	ELIMINATE DISPARITIES IN HEALTH CARE.

Bill No.	Short Title
S 394	STUDY ADVISORY SBE MEMBERS/HEART TASK FORCE.
S 441	STATE SCHOOL SUPERINTENDENT APPOINTED.
S 484	INCREASE PHARMACY BOARD MEMBERSHIP.
S 586	CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL.
S 626	DOMESTIC VIOLENCE FATALITY REVIEW TEAM.
S 639	DEEP RIVER HERITAGE CORRIDOR.
S 785	GOV'T ATTORNEYS CLE EXEMPTION.
S 931	CAPITAL CASE/JUDGE OVERSEE DISCOVERY.
S 938	STUDY DATE RAPE DRUG ANALOGUES.
S1008	BAN VIDEO POKER/ALL BUT RESERVATIONS.
S1024	AMEND APPOINTMENT OF EMC MEMBERS.
S1032	MINORS' INTERNET ACCESS.
S1137	COUNTY UTILITIES AUTHORITY
S1140	AMEND DEFINITION OF CONVENTION CENTER.
S1162	DEFRAUD DRUG TESTS/URINE SAMPLE SALES.
S1163	FLEXIBLE HOURS FOR STATE EMPLOYEES.
S1199	COORDINATE DRUG PROGRAM ACCESS.
S1210	WINERY WASTEWATER MANAGEMENT.
S1248	PENSION ASSURANCE FUND
S1282	AGENCIES SHARE JUVENILE INFORMATION
S1420	SHAKEDOWN PREVENTION.
S1471	INDEPENDENCE DAY.
S1472	CAROWINDS 30TH ANNIVERSARY.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 1283

Rules and Operations of the Senate Committee Substitute Adopted 10/1/02

Short Title: President Pro Tem and Speaker Appointments. (Public)

Sponsors:

Referred to:

June 10, 2002

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO THE APPOINTMENTS TO BOARDS AND COMMISSIONS.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate and of the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Ken Morehead of Durham County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2005.

SECTION 1.2. Ralph Brown of Iredell County is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2005.

SECTION 1.3. Henry Faircloth of Sampson County and Stephanie Simpson of Wake County are appointed to the North Carolina Appraisal Board for terms expiring on June 30, 2005.

SECTION 1.4. Gladys Brooks of Buncombe County is appointed to the North Carolina Arboretum Board of Directors for a term expiring on June 30, 2006.

SECTION 1.5. Jennifer Lee Robinson of Mecklenburg County is appointed to the Board of Directors for the North Carolina Center for Nursing for a term expiring on June 30, 2005.

SECTION 1.6. Beth Rector of Columbus County and Margaret Biddle of Wake County are appointed to the Child Care Commission for terms expiring on June 30, 2004.

SECTION 1.6A. The Honorable Johnnie Mosley of Lenoir County is appointed to the Board of Trustees of the Clean Water Management Trust Fund for a term expiring on July 1, 2004, to fill the unexpired term of Allen Hardison.

SECTION 1.7. Lisa Privette of Harnett County is appointed to the North Carolina Code Officials Qualifications Board for a term expiring on June 30, 2006.

SECTION 1.8. Anna McCoy Smith of Forsyth County is appointed to the North Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2005.

SECTION 1.9. Dr. Barbara Ann Hughes of Wake County is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2005.

SECTION 1.10. Effective September 1, 2002, Barbara Arnold of Wayne County, Dr. Deborah Weissman of Orange County, Lynn Bryant of Dare County, and Jan Capps of Durham County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2005.

SECTION 1.11. The Honorable Dan Robinson of Jackson County is appointed to the North Carolina Advisory Council of the Eastern Band of the Cherokee for a term expiring on June 30, 2004.

SECTION 1.12. Effective September 1, 2002, Margaret Wingate of Mecklenburg County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2005.

SECTION 1.13. Dr. Olson Huff of Buncombe County and Dr. Ed Monroe of Pitt County are appointed to the Health and Wellness Trust Fund Commission for terms expiring on June 30, 2006.

SECTION 1.14. Effective September 1, 2002, Mayor Gerald Holleman and Jeanne Tedrow of Wake County, Joey Carpenter of Gaston County, Jeffrey Null of Cumberland County, and Ed Moran of Craven County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2005.

SECTION 1.15. Carlene Fletcher of Granville County is appointed to the North Carolina Human Relations Commission for a term expiring on June 30, 2006.

SECTION 1.16. Effective August 15, 2002, Don McCorquodale, Dwight Allen, and Darleen Johns of Wake County and Janet Smith of Davie County are appointed to the Joint Select Committee on Information Technology for terms expiring on August 14, 2004.

SECTION 1.17. Linda Piron Foster of Dare County and Dennie Martin of Buncombe County are appointed to the State Infrastructure Council for terms expiring on June 30, 2004.

SECTION 1.18. The Honorable Charles Dannelly of Mecklenburg County, the Honorable Kever Clark of New Hanover County, Dr. Lizette Sanchez-Lugo of Guilford County, and Dr. Betty Alexander of Forsyth County are appointed to the Minority Health Advisory Council for terms expiring on June 30, 2004.

SECTION 1.19. Effective January 1, 2003, The Honorable Gene Rogers of Martin County is appointed to the Northeastern North Carolina Regional Economic Development Commission for a term expiring on June 30, 2003.

SECTION 1.20. Cynthia Tart of Brunswick County and Edwin C. Holbrook of Cleveland County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2005.

SECTION 1.21. Richard Allen of Anson County is appointed to the Private Protective Services Board for a term expiring on June 30, 2005.

SECTION 1.22. Effective September 1, 2002, David Corsetti of Wake County, Catherine Sledge of Warren County, Libbie Hodges of Beaufort County, and Loretta Fodrie of Mecklenburg County are appointed to the North Carolina Professional Teaching Standards Commission for terms expiring on August 31, 2004.

SECTION 1.23. Effective August 1, 2002, Marsha Jordan of Lincoln County and Janie Waff of Chowan County are appointed to the North Carolina Real Estate Commission for terms expiring on July 31, 2005.

SECTION 1.24. The Honorable Bobby Owens, William Kealy, and JoAnn Williams of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2004.

SECTION 1.25. Robert Saunders of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2004.

SECTION 1.26. Effective August 1, 2002, The Honorable Patricia Ferguson of Bertie County, Dr. Donald Altieri of Anson County, William S. Wellons, Jr. of Cumberland County, and John T. Killebrew, Jr. of Wake County are appointed to the North Carolina Rural Internet Access Authority for terms expiring on July 31, 2003.

SECTION 1.27. Edward Hearn of Wake County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2005.

SECTION 1.28. Willy E. Stewart of Wake County and Ladson Brearley of Mecklenburg County are appointed to the State Building Commission for terms expiring on June 30, 2005. Allen Lassiter of Perquimans County is appointed to the State Building Commission for a term expiring on June 30, 2003, to fill the unexpired term of Charles E. Truelove.

SECTION 1.29. Douglas A. Fox of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2004.

SECTION 1.30. William Tesh of Guilford County and Howard M. Nifong, Jr. of Mecklenburg County are appointed to the Structural Pest Control Committee for terms expiring on June 30, 2006.

SECTION 1.31. Glenn Marek of Orange County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2004.

SECTION 1.32. Wayne Daves and Bob Philbeck of Wake County and Kimberly Floyd of Guilford County are appointed to the Vocational Rehabilitation Council for terms expiring on June 30, 2005.

SECTION 1.33. Wilson Martin of Iredell County and J. Michael Floyd of Mecklenburg County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2005.

SECTION 1.34. Effective May 1, 2002, Brian Prevatte of New Hanover County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on April 30, 2004.

SECTION 1.35. Chief Robert Cherry of Edgecombe County, Leigh Emick Horner of Orange County, Neal Allen of Randolph County, Belinda Gurkins of Pitt County, and William L. Tant, Jr. of Nash County are appointed to the Wireless 911 Board for terms expiring on June 30, 2006.

PART II. SPEAKER'S RECOMMENDATIONS

PART III. CORRECTION OF TERMS

SECTION 3.1. Section 1A.4 of S.L. 2001-486 is repealed.

SECTION 3.2. Section 1A.7 of S.L. 2001-486 reads as rewritten:

"**SECTION 1A.7.** O. Temple Sloan and Don Beason of Wake County are appointed to the Centennial Authority for terms expiring on ~~June 30, 2003.~~June 30, 2005."

SECTION 3.3. Section 1A.27 of S.L. 2001-486 reads as rewritten:

"**SECTION 1A.27.** Notwithstanding G.S. 90-210.18(b1) and (b3), and S.L. 2001-294, George S. Parrott of Carteret County is appointed to the North Carolina Board of Mortuary Science for a term beginning on January 1, 2002, expiring on ~~December 31, 2003.~~ June 30, 2006, to serve as the General Assembly's appointee upon the nomination of the Speaker of the House of Representatives and to replace Mr. Stuart Cozort whose term of office shall cease on January 1, 2002."

SECTION 3.4. Section 1A.32 of S.L. 2001-486 reads as rewritten:

"**SECTION 1A.32.** Russell Robinson of Guilford County and Dr. Kenneth M. Sadler of Forsyth County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on ~~June 30, 2003.~~June 30, 2004."

PART IV. STATUTORY AND SESSION LAW CHANGES

--MOTOR VEHICLE DEALERS' ADVISORY BOARD ABOLISHED

SECTION 4.1.(a) G.S. 20-305.4 is repealed.

SECTION 4.1.(b) G.S. 20-305.5 reads as rewritten:

"**§ 20-305.5. Sections 20-305, subdivisions (4) through (28), and 20-305.1 to ~~20-305.4~~ 20-305.3 not applicable to certain manufacturers and dealers.**

The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 to ~~20-305.4~~20-305.3 shall not apply to manufacturers of, or dealers in, mobile or manufactured type housing or recreational trailers."

--NORTH CAROLINA BOARD OF MORTUARY SCIENCE

SECTION 4.2.(a) G.S. 90-210.18 reads as rewritten:

"**§ 90-210.18. Construction of Article; State Board; members; ~~election; qualifications;~~ term; vacancies.**

(a) The General Assembly declares that the practice of funeral service affects the public health, safety and welfare, and is subject to regulation and control in the public

interest. The public interest requires that only qualified persons be permitted to practice funeral service in North Carolina, and that the profession merit the confidence of the public. This Article shall be liberally construed to accomplish these ends.

(b) The North Carolina Board of Mortuary Science is created and shall regulate the practice of funeral service in this State. The Board shall have nine members as follows:

(1) ~~Four funeral service licensees or persons holding both funeral director's license and an embalmer's license,~~ Three members appointed by the Governor.

(2) ~~Two persons holding a funeral director's license or a funeral service license, and~~ Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(3) Three ~~public members.~~ members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

To establish staggered terms, the Governor, the General Assembly, upon the recommendation of the Speaker of the House of Representatives, and the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, each, shall initially appoint one member to serve one year, one member to serve two years, and one member to serve three years. A vacancy shall be filled for an unexpired term by the appointing authority.

(b1) A member's term shall be three years and shall expire on ~~December 31~~ June 30 or when ~~his or her~~ that member's successor has been duly ~~elected or appointed.~~ appointed, whichever is later. No member may serve more than two complete consecutive terms. All members of the Board shall have full voting authority.

~~(b2) The six seats on the Board for licensees shall be filled in an election in which every person licensed to practice embalming, funeral directing, or funeral service in this State may vote. No licensee may be nominated, elected, or serve unless he holds a North Carolina license in the class designated for the seat and unless the licensee is engaged in full-time employment in this State in a practice authorized by the licensee's license. Any vacancy occurring in an elective seat on the Board shall be filled for the unexpired term by majority vote of the remaining Board members.~~

~~(b3) The Governor, the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and the General Assembly upon the recommendation of the Speaker of the House of Representatives shall each appoint one public member to the Board. The public members of the Board may neither be licensed under this Article nor employed by a person who is. A vacancy occurring in a public member's seat shall be filled for the unexpired term by the appointing official.~~

~~(c) Nominations and elections of members of the North Carolina State Board of Mortuary Science shall be as follows:~~

~~(1) An election shall be held each year to elect two persons for membership on the Board of Mortuary Science, each to take office on the first day of January following the election. If in any year the election of a member of the Board is not completed by January 1, the~~

~~member elected that year shall take office immediately after completion of the election.~~

~~(2) Every embalmer, funeral director and funeral service licensee with a current North Carolina license shall be eligible to vote in all elections. The holding of such a license to practice in North Carolina shall constitute registration to vote in such elections. The list of licensed embalmers, funeral directors and funeral service licensees shall constitute the registration list for elections.~~

~~(3) All elections shall be conducted by the State Board of Mortuary Science which is hereby constituted a Board of Mortuary Science Elections. If a member of the State Board of Mortuary Science whose position is to be filled at any election is nominated to succeed himself and does not withdraw his name, he shall be disqualified to serve as a member of the Board of Mortuary Science Elections for that election and the remaining members of the Board of Mortuary Science Elections shall proceed and function without his participation.~~

~~(4) Nomination of candidates for election shall be made to the Board of Mortuary Science Elections by a written petition signed by not less than 20 embalmers, funeral directors or funeral service licensees licensed to practice in North Carolina, and filed with said Board of Mortuary Science Elections subsequent to the first day of May of the year in which the election is to be held and not later than midnight of the first day of August of such year, or not later than such earlier date (not before July 1) as may be set by the Board of Mortuary Science Elections: Provided, that not less than 10 days' notice of such earlier date shall be given to all embalmers, funeral directors and funeral service licensees qualified to sign a petition of nomination.~~

~~(5) Any person who is nominated as provided in subdivision (4) above may withdraw his name by written notice delivered to the Board of Mortuary Science Elections or its designated secretary at any time prior to the closing of the polls in any election.~~

~~(5a) Repealed by Session Laws 1983, c. 69, s. 3.~~

~~(6) Following the close of nominations, there shall be prepared, under and in accordance with such rules and regulations as the Board of Mortuary Science Elections shall prescribe, ballots containing identification of the seats for election and, in alphabetical order, the names of all nominees for each seat. Each ballot shall have such method of identification, and such instructions and requirements printed thereon, as shall be prescribed by the Board of Mortuary Science Elections at such time as may be fixed by the Board of Mortuary Science Elections a ballot and a return official envelope addressed to said Board shall be mailed to each embalmer, funeral director and funeral service licensee licensed to practice in North Carolina, together with a notice by said Board designating the latest~~

~~day and hour for return mailing and containing such other items as such Board may see fit to include. The said envelope shall bear a serial number and shall have printed on the left portion of its face the following:~~

~~"Serial No. of Envelope _____~~

~~Signature of Voter _____~~

~~Address of Voter _____~~

~~_____~~

~~(Note: The enclosed ballot is not valid unless the signature of the voter is on this envelope)." The Board of Mortuary Science Elections may cause to be printed or stamped or written on said envelope such additional notice as it may see fit to give. No ballot shall be valid or shall be counted in an election unless within the time hereinafter provided it has been delivered to said Board by hand or by mail and shall be sealed. The said Board by rule may make provision for replacement of lost or destroyed envelopes or ballots upon making proper provisions to safeguard against abuse.~~

~~(7)~~ ~~The date and hour fixed by the Board of Mortuary Science Elections as the latest time for delivery by hand or mailing of said return ballots shall be not earlier than the tenth day following the mailing of the envelopes and ballots to the voters.~~

~~(8)~~ ~~The said ballots shall be canvassed by the Board of Mortuary Science Elections beginning at 1:00 p.m. on a day and at a place set by said Board and announced by it in the notice accompanying the sending out of the ballots and envelopes, said date to be not later than four days after the date fixed by the Board for the closing of the balloting. The canvassing shall be made publicly and any licensed embalmer, funeral director or funeral service licensee may be present. The counting of ballots shall be conducted as follows: The envelopes shall be displayed to the persons present and an opportunity shall be given to any person present to challenge the qualification of the voter whose signature appears on the envelope or to challenge the validity of the envelope. Any envelope (with enclosed ballot) challenged shall be set aside, and the challenge shall be heard later or at that time by said Board. After the envelopes have been so exhibited, those not challenged shall be opened and the ballots extracted therefrom, insofar as practicable without showing the marking on the ballots, and there shall be a final and complete separation of each envelope and its enclosed ballot. Thereafter each ballot shall be presented for counting, shall be displayed and, if not challenged, shall be counted. No ballot shall be~~

~~valid if it is marked for more nominees than there are positions to be filled in that election: Provided, that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choices or choice from the ballot. The counting of ballots shall be continued until completed. During the counting, challenge may be made to any ballot on the grounds only of defects appearing on the face of the ballot. The said Board may decide the challenge immediately when it is made or it may put aside the ballot and determine the challenge upon the conclusion of the counting of the ballots.~~

~~(9)~~ ~~a.~~ ~~Election shall be determined by a majority of the votes cast. As used in this subdivision "category I" refers to the seat held by a funeral service licensee or a person holding both a funeral director's license and an embalmer's license, and "category II" refers to the seat held by a funeral director or a funeral service licensee. A majority shall be determined:~~

~~1.~~ ~~In an election to fill one seat in category I and one seat in category II, and if there are two or more candidates for a category, the majority shall be determined by dividing the total vote cast for all candidates in the category by two. An excess of the sum so ascertained shall be a majority.~~

~~2.~~ ~~In an election to fill two seats in the same category, and if there are more than two candidates, the majority shall be determined by dividing the total vote cast for all candidates by two and by dividing the result by two. Any excess of the sum so ascertained shall be a majority. If more than two candidates obtain a majority the two having the highest vote shall be declared elected.~~

~~b.~~ ~~If there is a failure to obtain a majority of the votes cast for any seat the following procedures shall apply:~~

~~1.~~ ~~In an election to fill one seat in category I and one seat in category II, and if no candidate receives a majority in a category, the candidate receiving the highest number of votes in that category shall be declared elected unless the candidate receiving the second highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election, the names of the candidates who received the highest and the next highest number of votes shall appear on the ballot.~~

~~2.~~ ~~In an election to fill two seats in the same category, and if no candidate receives a majority, the two candidates receiving the highest number of votes shall be declared elected unless the candidate receiving the next highest~~

~~number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election the names of the two candidates who received the highest number of votes in the first election and the name of the candidate who received the next highest number of votes shall appear on the ballot, and the two candidates who receive the highest number of votes in the second election shall be declared elected. If in the first election only one candidate fails to receive a majority, the candidate receiving the highest number of votes, but not a majority, shall be declared elected unless the candidate receiving the next highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election the name of the candidate who received the highest number of votes, but not a majority, in the first election and the name of the candidate who received the next highest number of votes shall appear on the ballot, and the candidate who receives the higher number of votes in the second election shall be declared elected.~~

~~c. In any election if there is a tie between candidates the tie shall be resolved by a vote of the Board, provided that if a member of the Board is one of the candidates in the tie he may not participate in such vote.~~

~~(10) In the event there shall be required a second election, there shall be followed the same procedure as outlined in the paragraphs above subject to the same limitations and requirements.~~

~~(11) In the case of the death or withdrawal of a candidate prior to the closing of the polls in any election, he shall be eliminated from the contest and any votes cast for him shall be disregarded. If, at any time after the closing of the period for nominations, because of lack of plural or proper nominations, or death, or withdrawal, or disqualification or any other reason, there shall be (i) only one candidate for a position, he shall be declared elected by the Board of Mortuary Science Elections, or (ii) no candidate for a position, the position shall be filled by the State Board of Mortuary Science. In the event of the death or withdrawal of a candidate after election but before taking office, the position to which he was elected shall be filled by the State Board of Mortuary Science. In the event of the death or resignation of a member of the State Board of Mortuary Science, after taking office, his position shall be filled for the unexpired term by the State Board of Mortuary Science.~~

~~(12) An official list of all licensed embalmers, funeral directors and funeral service licensees shall be kept at an office of the Board of Mortuary Science Elections and shall be open to the inspection of any person at all times. Copies may be made by any licensed embalmer, funeral director or funeral service licensee. As soon as the voting in any election begins, a list of the licensed embalmers, funeral directors, and funeral service licensees shall be posted in such office of said Board and indication by mark or otherwise shall be made on that list to show whether a ballot enclosing envelope has been returned.~~

~~(13) All envelopes enclosing ballots and all ballots shall be preserved and held separately by the Board of Mortuary Science Elections for a period of six months following the close of an election.~~

~~(14) From any decision of the Board of Mortuary Science Elections relative to the conduct of such elections, appeal may be taken to the courts in the manner otherwise provided by Chapter 150B of the General Statutes of North Carolina.~~

~~(15) The Board of Mortuary Science Elections is authorized to make rules and regulations relative to the conduct of these elections, provided same are not in conflict with the provisions of this section and provided that notice shall be given to all licensed embalmers, funeral directors, and funeral service licensees.~~

~~(d) The Board of Mortuary Science Elections is authorized to appoint such secretary or secretaries and/or assistant secretary or assistant secretaries to perform such functions in connection with such nominations and elections as said Board shall determine, provided that any protestant or contestant shall have the right to a hearing by said Board in connection with any challenge of a voter, or an envelope, or a ballot or the counting of an election. Said Board is authorized to designate an office or offices for the keeping of lists of registered embalmers, funeral directors and funeral service licensees, for the issuance and receipt of envelopes and ballots.~~"

SECTION 4.2.(b) G.S. 90-210.22 reads as rewritten:

"**§ 90-210.22. Required meetings of the Board.**

The Board shall hold at least two meetings in each year at which examinations shall be given to qualified applicants for licenses. In addition, the Board ~~may meet as often as~~ shall meet monthly for the proper and efficient discharge of its ~~duties shall require.~~duties. Five members shall constitute a quorum."

SECTION 4.2.(c) G.S. 90-210.23(b) reads as rewritten:

"(b) The Board shall elect from its members a ~~president, a vice-president~~ chair, a vice-chair, and a secretary, no two offices to be held by the same person. The ~~president and vice-president~~ chair and vice-chair and secretary shall serve for one year and until their successors shall be elected and qualify. The Board shall have authority to engage adequate staff as deemed necessary to perform its duties."

SECTION 4.2.(d) G.S. 90-210.25(a1) reads as rewritten:

"(a1) Inactive Licenses. – Any person holding a license issued by the Board for funeral directing, for embalming, or for the practice of funeral service may apply for an

inactive license in the same category as the active license held. The inactive license is renewable annually. Continuing education is not required for the renewal of an inactive license. ~~The only activity that a holder of an inactive license may engage in is to vote pursuant to G.S. 90-210.18(e)(2).~~ The holder of an inactive license may apply for an active license in the same category, and the Board shall issue an active license if the applicant has completed in North Carolina a total number of hours of accredited continuing education equal to five times the number of years the applicant held the inactive license. No application fee is required for the reinstatement of an active license pursuant to this subsection. The holder of an inactive license who returns to active status shall surrender the inactive license to the Board."

SECTION 4.2.(e) Notwithstanding any other provision of law, Mr. George Parrott's appointment to and term of office on the Board of Mortuary Science shall be as set forth in Section 3.3 of this act, despite the reconstitution of the Board of Mortuary Science as set forth in Section 4.2(a) of this act. Mr. Parrott's appointment to and term of office on the Board shall be that of the member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for the initial three-year term, as set forth in G.S. 90-210.18(b) as amended by Section 4.2(a) of this act when effective.

SECTION 4.2.(f) Beginning January 1, 2004, the Board of Mortuary Science shall report to the Joint Commission on Governmental Operations annually regarding its activities.

SECTION 4.2.(g) Sections 4.2(a) and 4.2(b) of this section become effective July 1, 2003. The remainder of this section is effective when it becomes law.

--NORTH CAROLINA REAL ESTATE COMMISSION

SECTION 4.3. G.S. 93A-3(a) reads as rewritten:

"(a) There is hereby created the North Carolina Real Estate Commission, hereinafter called the Commission. The Commission shall consist of ~~nine~~ eleven members, seven members to be appointed by the Governor, ~~one member~~two members to be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and ~~one member~~two members to be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. At least three members of the Commission shall be licensed real estate brokers or real estate salespersons. At least two members of the Commission shall be persons who are not involved directly or indirectly in the real estate or real estate appraisal business. Members of the Commission shall serve three-year terms, so staggered that the terms of three members expire in one year, the terms of three members expire in the next year, and the terms of three members expire in the third year of each three-year period. The members of the Commission shall elect one of their members to serve as chairman of the Commission for a term of one year. The Governor may remove any member of the Commission for misconduct, incompetency, or willful neglect of duty. The Governor shall have the power to fill all vacancies occurring on the Commission, except vacancies in legislative appointments shall be filled under G.S. 120-122."

--NORTH CAROLINA APPRAISAL BOARD

SECTION 4.4. G.S. 93E-1-5(a) reads as rewritten:

"(a) There is created the North Carolina Appraisal Board for the purposes set forth in this Chapter. The Board shall consist of ~~seven~~ nine members. The Governor shall appoint five members of the Board, and the General Assembly shall appoint ~~two~~ four members in accordance with G.S. 120-121, ~~one~~ two upon the recommendation of the President Pro Tempore of the Senate and ~~one~~ two upon the recommendation of the Speaker of the House of Representatives. Members appointed by the Governor shall be appointed from geographically diverse areas of the State. The ~~appointee~~ appointees recommended by the Speaker of the House of Representatives and the appointees of the Governor shall be persons who have been engaged in the business of real estate appraising in this State for at least five years immediately preceding their appointment and are also State-licensed or State-certified real estate appraisers. No more than three of the appointees may be members of the same appraiser trade organization at any one time. The ~~appointee~~ appointees recommended by the President Pro Tempore of the Senate shall be ~~a person~~ persons not involved directly or indirectly in the real estate, real estate appraisal, or the real estate lending industry. Members of the Board shall serve three-year terms, so staggered that the terms of three members expire in one year, the terms of two members expire in the next year, and the terms of two members expire in the third year of each three-year period. The members of the Board shall elect one of their members to serve as chairman of the Board for a term of one year. The Governor may remove any member of the Board appointed by the Governor for misconduct, incompetency, or neglect of duty. The General Assembly may remove any member appointed by it for the same reasons. Successors shall be appointed by the appointing authority making the original appointment. All vacancies occurring on the Board shall be filled, for the unexpired term, by the appointing authority making the original appointment. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Initial terms of office commenced July 1, 1994."

--STRUCTURAL PEST CONTROL COMMITTEE

SECTION 4.5. G.S. 106-65.23(c) reads as rewritten:

"(c) There is hereby created a Structural Pest Control Committee to be composed of the following members. The Commissioner shall appoint one member of the Committee who is not in the structural pest control business for a four-year term. The Commissioner of Agriculture shall designate an employee of the Department of Agriculture and Consumer Services to serve on the Committee at the pleasure of the Commissioner. The dean of the School of Agriculture of North Carolina State University at Raleigh shall appoint one member of the Committee who shall serve for one term of two years and who shall be a member of the entomology faculty of the University. The vacancy occurring on the Committee by the expired term of the member from the entomology faculty of the University shall be filled by the dean of the School of Agriculture of North Carolina State University at Raleigh who shall designate any person of the dean's choice from the entomology faculty of the University to serve on

the Committee at the pleasure of the dean. The Secretary of Health and Human Services shall appoint one member of the Committee who shall be an epidemiologist and who shall serve at the pleasure of the Secretary. The Governor shall appoint two members of the Committee who are actively engaged in the pest control industry, who are licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and who are residents of the State of North Carolina but not affiliates of the same company.

The Governor's initial appointees from the pest control industry shall be appointed as follows: one for a two-year term and one for a three-year term. The Governor shall appoint one member of the Committee who is a public member and who is unaffiliated with the structural pest control industry, the pesticide industry, the Department of Agriculture and Consumer Services, the Department of Health and Human Services and the School of Agriculture at North Carolina State University at Raleigh. The initial public member shall be appointed for a term of two years, commencing July 1, 1991. After the initial appointments by the Governor, all ensuing appointments by the Governor shall be for terms of four years. Any vacancy occurring on the Committee by reason of death, resignation, or otherwise shall be filled by the Governor or the Commissioner of Agriculture, as the case may be, for the unexpired term of the member whose seat is vacant.

~~One member~~Two members of the Committee shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and ~~one member~~two members of the Committee shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The ~~member~~ members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be actively engaged in the pest control industry, licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and ~~a resident~~ residents of the State of North Carolina but not ~~an affiliate~~affiliates of the same company as either of the two members from the industry appointed by the Governor. Appointments made by the General Assembly shall be for terms of four years. Vacancies in such appointments shall be filled in accordance with G.S. 120-122."

--CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

SECTION 4.6.(a) G.S. 113-145.5 reads as rewritten:

"**§ 113-145.5. Clean Water Management Trust Fund: Board of Trustees established; membership qualifications; vacancies; meetings and meeting facilities.**

(a) Board of Trustees Established. – There is established the Clean Water Management Trust Fund Board of Trustees. The Clean Water Management Trust Fund Board of Trustees shall be ~~independent, but for administrative purposes shall be~~ administratively located ~~under~~ within the Department of Environment and Natural ~~Resources.~~Resources but shall be independent of the Department.

(b) Membership. – The Clean Water Management Trust Fund Board of Trustees shall be composed of 18 ~~members. Six members shall be appointed by the Governor, six by the General Assembly upon the recommendation of the President Pro Tempore of the~~

~~Senate in accordance with G.S. 120-121, and six by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.~~ members appointed to four-year terms as follows:

(1) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.

(2) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.

(3) One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by four.

(4) One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by four.

(5) One member appointed by the Governor to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by four.

(6) One member appointed by the Governor to a term that expires on 1 July of years that follow by two years those years that are evenly divisible by four.

(7) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.

(8) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that are evenly divisible by four.

(9) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by four.

(10) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by four.

(11) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate on 1 July of years that follow by two years those years that are evenly divisible by four.

(12) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate on 1 July of years that follow by two years those years that are evenly divisible by four.

(13) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a

term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.

(14) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.

(15) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that are evenly divisible by four.

(16) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by four.

(17) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by four.

(18) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives on 1 July of years that follow by two years those years that are evenly divisible by four.

(c) Qualifications. – The office of Trustee is declared to be an office that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution. Persons appointed shall be knowledgeable in one of the following areas:

(1) Acquisition and management of natural areas.
(2) Conservation and restoration of water quality.
(3) Wildlife and fisheries habitats and resources.
(4) Environmental management.

(c) ~~Initial Appointments.~~ Chair. ~~– Each appointing officer shall designate two of the officer's initial appointments to serve two-year terms, two to serve four-year terms, and two to serve six-year terms. Thereafter, all appointments shall be for four years, subject to reappointment. All initial appointments shall be made on or before January 1, 1997.~~ The Governor shall appoint one ~~Trustee~~ member to serve as Chair of the ~~Board.~~Board of Trustees.

(d) Vacancies. – ~~If a vacancy occurs, other than by the expiration of term, of a member subject to appointment by the General Assembly upon the recommendation of the Speaker of the House of Representatives or the President Pro Tempore of the Senate, the vacancy shall be filled in accordance with G.S. 120-122. All other vacancies shall be filled by the appointing official in the original manner.~~An appointment to fill a vacancy on the Board of Trustees created by the resignation, removal, disability, or death of a member shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be as provided in G.S. 120-122.

(e) Frequency of Meetings. – The Board of Trustees shall meet at least twice each year and may hold special meetings at the call of the Chair or a majority of the members.

(f) Per Diem and Expenses. ~~The Trustees~~ Each member shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. Per diem, subsistence, and travel expenses of the Trustees shall be paid from the Fund.

(g) Meeting Facilities. – The Secretary of Environment and Natural Resources shall provide meeting facilities for the Board of Trustees and its staff as requested by the Chair."

SECTION 4.6.(b) In order to alter the schedule of staggered terms of four years for the Board of Trustees of the Clean Water Management Trust Fund so that, as nearly as possible, the same number of terms will expire each year and to provide for an orderly transition in membership of the Board of Trustees to the terms specified in G.S. 113-145.5, as amended by Section 4.6(a) of this act, the following provisions shall apply:

(1) William McPhatter, Sr. shall serve in the position established by G.S. 113-145.5(b)(1) through 1 July 2003.

(2) Joseph M. Hester, Jr. shall serve in the position established by G.S. 113-145.5(b)(2) through 1 July 2003.

(3) John McMillan shall serve in the position established by G.S. 113-145.5(b)(3) through 1 July 2004.

(4) Caroline B. Ansbacher shall serve in the position established by G.S. 113-145.5(b)(4) through 1 July 2004.

(5) Leland McKinley Simmons shall serve in the position established by G.S. 113-145.5(b)(5) through 1 July 2005.

(6) Edwin G. Wilson, Jr. shall serve in the position established by G.S. 113-145.5(b)(6) through 1 July 2006.

(7) Jerry W. Wright shall serve in the position established by G.S. 113-145.5(b)(7) through 1 July 2003.

(8) Johnnie Mosley shall serve in the position established by G.S. 113-145.5(b)(8) through 1 July 2004, to fill the unexpired term of Allen Maynard Hardison.

(9) William E. Hollan, Jr. shall serve in the position established by G.S. 113-145.5(b)(9) through 1 July 2005.

(10) Dickson Mclean, Jr. shall serve in the position established by G.S. 113-145.5(b)(10) through 1 July 2005.

(11) Claudette Weston shall serve in the position established by G.S. 113-145.5(b)(11) through 1 July 2006.

(12) William J. Brooks, III shall serve in the position established by G.S. 113-145.5(b)(12) through 1 July 2006.

(13) Karen Cragnolin shall serve in the position established by G.S. 113-145.5(b)(13) through 1 July 2003.

(14) Allen Holt Gwyn shall serve in the position established by G.S. 113-145.5(b)(14) through 1 July 2003.
(15) C. Leroy Smith shall serve in the position established by G.S. 113-145.5(b)(15) through 1 July 2004.
(16) Charles R. Wakild shall serve in the position established by G.S. 113-145.5(b)(16) through 1 July 2005.
(17) Robert Dare Howard shall serve in the position established by G.S. 113-145.5(b)(17) through 1 July 2005.
(18) Margaret B. Markey shall serve in the position established by G.S. 113-145.5(b)(18) through 1 July 2006.

--TASK FORCE ON SCHOOL-BASED MANAGEMENT ABOLISHED

SECTION 4.7. G.S. 115C-105.31 is repealed.

--JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY

SECTION 4.8.(a) G.S. 120-232(a) reads as rewritten:

"(a) The Committee shall consist of ~~16~~ 18 members as follows:
(1) Five members of the Senate at the time of their appointment, appointed by the President Pro Tempore of the Senate.
(2) Five members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives.
(3) ~~Three~~ Four members of the public, appointed by the President Pro Tempore of the Senate.
(4) ~~Three~~ Four members of the public, appointed by the Speaker of the House of Representatives."

SECTION 4.8.(b) G.S. 120-232(b) reads as rewritten:

"(b) Members of the Committee shall serve terms of two years beginning on ~~August 15 of each odd-numbered year,~~ August 15, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:
(1) The public members shall serve terms of three years.
(2) The members who are members of the General Assembly shall serve terms of two years.

Initial terms shall commence on August 15, 1999."

--STATE BUILDING COMMISSION

SECTION 4.9. G.S. 143-135.25(c) reads as rewritten:

"(c) The Commission shall consist of ~~nine~~ eleven members qualified and appointed as follows:
(1) A licensed architect whose primary practice is or was in the design of buildings, chosen from among not more than three persons nominated by the North Carolina Chapter of the American Institute of Architects, appointed by the Governor.

(2) A registered engineer whose primary practice is or was in the design of engineering systems for buildings, chosen from among not more than three persons nominated by the Consulting Engineers Council and the Professional Engineers of North Carolina, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) A licensed building contractor whose primary business is or was in the construction of buildings, or an employee of a company holding a general contractor's license, chosen from among not more than three persons nominated by the Carolinas AGC (Associated General Contractors), appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) A licensed electrical contractor whose primary business is or was in the installation of electrical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Electrical Contractors, and the Carolinas Electrical Contractors' Association, appointed by the Governor.

(5) ~~A public member~~Two public members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(5a) One public member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(6) A licensed mechanical contractor whose primary business is or was in the installation of mechanical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Plumbing, Heating, Cooling Contractors, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) An employee of the university system currently involved in the capital facilities development process, chosen from among not more than three persons nominated by the Board of Governors of The University of North Carolina, appointed by the Governor.

(8) A public member who is knowledgeable in the building construction or building maintenance area, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(9) A representative of local government, chosen from among not more than two persons nominated by the North Carolina Association of County Commissioners and two persons nominated by the North Carolina League of Municipalities, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

The members shall be appointed for staggered three-year terms: The initial appointments to the Commission shall be made within 15 days of the effective date of this act [April 14, 1987]. The initial terms of members appointed pursuant to subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. Members may serve no more than six consecutive years. In making new appointments or filling vacancies, the Governor shall ensure that minorities and women are represented on the Commission.

Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of the unexpired terms. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill vacancies shall qualify in the same manner as persons appointed for full terms.

The chairman of the Commission shall be elected by the Commission. The Secretary of State shall serve as chairman until a chairman is elected."

--NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

SECTION 4.10.(a) G.S. 143-240(a) reads as rewritten:

"(a) There is hereby created the Wildlife Resources Commission of the Department of Environment and Natural Resources which shall consist of ~~19~~ 21 citizens of North Carolina who shall be appointed as is provided in G.S. 143-241.

Each member of the Commission shall be an experienced hunter, fisherman, farmer, or biologist, who shall be generally informed on wildlife conservation and restoration problems.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6 as the case may be, which shall be paid from fees collected by the Wildlife Resources Commission."

SECTION 4.10.(b) G.S. 143-241 reads as rewritten:

"**§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

The members of the North Carolina Wildlife Resources Commission shall be appointed as follows:

The Governor shall appoint one member each from the first, fourth, and seventh wildlife districts to serve six-year terms;

The Governor shall appoint one member each from the second, fifth, and eighth wildlife districts to serve two-year terms;

The Governor shall appoint one member each from the third, sixth, and ninth wildlife districts to serve four-year terms;

The Governor shall also appoint two at-large members to serve four-year terms.

The General Assembly shall appoint ~~eight~~ 10 members of the Commission to serve two-year terms, ~~four~~ five upon the recommendation of the Speaker of the House, ~~four~~ five upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of

the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor serve at the pleasure of the Governor that appointed them and they may be removed by that Governor at any time. A successor to the appointing Governor may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

--SOIL AND WATER CONSERVATION COMMISSION

SECTION 4.11. G.S. 143B-295 reads as rewritten:

"**§ 143B-295. Soil and Water Conservation Commission – members; selection; removal; compensation; quorum; services.**

The Soil and Water Conservation Commission of the Department of Environment and Natural Resources shall be composed of seven members appointed by the Governor. The Commission shall be composed of the following members:

(1) The president, first vice-president, and immediate past president of the North Carolina Association of Soil and Water Conservation Districts. Vacancies arising in any of these positions shall be filled through appointment by the Governor upon the nomination by the executive committee of the North Carolina Association of Soil and Water Conservation Districts;

(2) Three supervisor members nominated by the North Carolina Association of Soil and Water Conservation Districts from its own membership representing the three major geographical regions of the State and appointed by the Governor;

(3) One member appointed at large by the Governor.

The initial members of the Commission shall be the members of the Soil Conservation Committee who shall serve for a period equal to the remainder of their current terms on the Soil Conservation Committee. At the end of the respective terms of office of the initial members of the Commission, their successors, except those members serving in an ex officio capacity, shall be appointed for terms of three years and until their successors are appointed and qualified. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

Membership on the Soil and Water Conservation Commission is hereby declared to be an office that may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Environment and Natural Resources."

--NORTH CAROLINA PARKS AND RECREATION AUTHORITY

SECTION 4.12. G.S. 143B-313.2(a) reads as rewritten:

"(a) Membership. – The North Carolina Parks and Recreation Authority shall consist of ~~11~~ 13 members. The members shall include persons who are knowledgeable about park and recreation issues in North Carolina or with expertise in finance. In making appointments, each appointing authority shall specify under which subdivision of this subsection the person is appointed. Members shall be appointed as follows:

(1) One member appointed by the Governor.
(2) One member appointed by the Governor.
(3) One member appointed by the Governor.
(4) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(6) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(7) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(8) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
(9) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.

(10) ~~One member~~Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.

(11) ~~One member~~Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121."

--GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH ABOLISHED

SECTION 4.13. Part 17 of Article 9 of Chapter 143B of the General Statutes is repealed.

--ECONOMIC DEVELOPMENT BOARD

SECTION 4.14. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~37~~ 38 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining ~~23~~ 24 members of the Board. ~~Effective with the terms beginning July 1, 1997, one of~~ Of the Governor's ~~appointees~~ appointees, one shall be a representative of a nonprofit organization involved in economic ~~development and~~development, two ~~of the Governor's appointees~~ shall be county economic development ~~representatives.~~representatives, and one shall be the president of the North Carolina Economic Developers' Association, who shall serve ex officio. The Governor shall designate a chair and a vice-chair from among the members of the Board. ~~Appointments~~ All appointments to the Board ~~made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993,~~ should reflect the ethnic and gender diversity of the State as nearly as practical.

~~The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all~~All appointments shall be for a term of four years.

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and

agencies generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

--NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

SECTION 4.15. G.S. 158-8.2(b) reads as rewritten:

"(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner or other local elected official may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission."

PART V. EFFECTIVE DATES AND HEADINGS

SECTION 5.1. The headings to the parts and sections of this act are a convenience to the reader and are for reference only.

SECTION 5.2. Unless otherwise provided for in this act, appointments are for terms to begin July 1, 2002.

SECTION 5.3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 1283

Rules and Operations of the Senate Committee Substitute Adopted 10/1/02
Third Edition Engrossed 10/1/02
Corrected Copy 10/2/02
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1283-PCS8791-LG-47

Short Title: President Pro Tem and Speaker Appointments. (Public)

Sponsors:

Referred to:

June 10, 2002

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate and of the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Ken Morehead of Durham County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2005.

SECTION 1.2. Ralph Brown of Iredell County is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2005.

SECTION 1.3. Henry Faircloth of Sampson County and Stephanie Simpson of Wake County are appointed to the North Carolina Appraisal Board for terms expiring on June 30, 2005.

SECTION 1.4. Gladys Brooks of Buncombe County is appointed to the North Carolina Arboretum Board of Directors for a term expiring on June 30, 2006.

SECTION 1.5. Jennifer Lee Robinson of Mecklenburg County is appointed to the Board of Directors for the North Carolina Center for Nursing for a term expiring on June 30, 2005.

SECTION 1.6. Beth Rector of Columbus County and Margaret Biddle of Wake County are appointed to the Child Care Commission for terms expiring on June 30, 2004.

SECTION 1.7. Lisa Privette of Harnett County is appointed to the North Carolina Code Officials Qualifications Board for a term expiring on June 30, 2006.

SECTION 1.8. Anna McCoy Smith of Forsyth County is appointed to the North Carolina Board of Cosmetic Art Examiners for a term expiring on June 30, 2005.

SECTION 1.9. Effective September 1, 2002, Barbara Arnold of Wayne County, Dr. Deborah Weissman of Orange County, Lynn Bryant of Dare County, and Jan Capps of Durham County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2005.

SECTION 1.10. Effective September 1, 2002, Margaret Wingate and Marianne Sadowski of Mecklenburg County are appointed to the North Carolina Board of Electrolysis Examiners for terms expiring on August 31, 2005.

SECTION 1.11. Effective September 1, 2002, Mayor Gerald Holleman and Jeanne Tedrow of Wake County, Joey Carpenter of Gaston County, Jeffrey Null of Cumberland County, and Ed Moran of Craven County are appointed to the North Carolina Housing Partnership for terms expiring on August 31, 2005.

SECTION 1.12. Effective January 1, 2003, The Honorable Gene Rogers of Martin County is appointed to the Northeastern North Carolina Regional Economic Development Commission for a term expiring on June 30, 2003.

SECTION 1.13. Cynthia Tart of Brunswick County and Edwin C. Holbrook of Cleveland County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2005.

SECTION 1.14. Richard Allen of Anson County is appointed to the Private Protective Services Board for a term expiring on June 30, 2005.

SECTION 1.15. Marsha Jordan of Lincoln County and Janie Waff of Chowan County are appointed to the North Carolina Real Estate Commission for terms expiring on July 31, 2005.

SECTION 1.16. The Honorable Bobby Owens, William Kealy, and JoAnn Williams of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2004.

SECTION 1.17. Robert Saunders of Wake County is appointed to the Rules Review Commission for a term expiring on June 30, 2004.

SECTION 1.18. Effective August 1, 2002, the Honorable Patricia Ferguson of Bertie County, Dr. Donald Altieri of Anson County, William S. Wellons, Jr. of Cumberland County, and John T. Killebrew, Jr. of Wake County are appointed to the North Carolina Rural Internet Access Authority for terms expiring on July 31, 2003.

SECTION 1.19. Edward Hearn of Wake County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2005.

SECTION 1.20. Willy E. Stewart of Wake County and Ladson Brearley of Mecklenburg County are appointed to the State Building Commission for terms expiring on June 30, 2005. Allen Lassiter of Perquimans County is appointed to the

State Building Commission for a term expiring on June 30, 2003, to fill the unexpired term of Charles E. Truelove.

SECTION 1.21. Douglas A. Fox of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2004.

SECTION 1.22. William Tesh of Guilford County and Howard M. Nifong, Jr. of Mecklenburg County are appointed to the Structural Pest Control Committee for terms expiring on June 30, 2006.

SECTION 1.23. Glenn Marek of Orange County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2004.

SECTION 1.24. Wilson Martin of Iredell County and J. Michael Floyd of Mecklenburg County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2005.

SECTION 1.25. Effective May 1, 2002, Brian Prevatte of New Hanover County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on April 30, 2004.

SECTION 1.26. Chief Robert Cherry of Edgecombe County, Leigh Emick Horner of Orange County, Neal Allen of Randolph County, Belinda Gurkins of Pitt County, and William L. Tant, Jr. of Nash County are appointed to the Wireless 911 Board for terms expiring on June 30, 2006.

SECTION 1.27. Lloyd Mickey Meekins, Jr., of Robeson County is appointed to the North Carolina Auctioneers Commission for a term expiring on June 30, 2004.

SECTION 1.28. Robert Spencer of Gaston County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2007. Lanny Wilson of New Hanover County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2005.

PART II. SPEAKER'S RECOMMENDATIONS

SECTION 2.1. Tracy Sturdivant of Mecklenburg County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2005. Nan Cameron of New Hanover County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2003, to fill the unexpired term of Terry Bradley.

SECTION 2.2. Guy J. Phillips of Jackson County is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2004.

SECTION 2.3. Bart Bryson of Henderson County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2006. Lawrence Talbot of Mecklenburg County is appointed to the North Carolina Appraisal Board for a term expiring on June 30, 2005.

SECTION 2.4. Carolyn Taylor of Haywood County is appointed to the North Carolina Arboretum Board of Directors for a term expiring on June 30, 2006.

SECTION 2.5. James Edward Stovall of Person County is appointed to the State Banking Commission for a term expiring on June 30, 2003, to fill the unexpired term of Frank Dunn.

SECTION 2.6. Frederick Quisenberry Cantler of Jackson County, Jason J. Ramirez of Wake County, and Dr. Ed Bartlett of Pitt County are appointed to the North Carolina Board of Athletic Trainer Examiners for terms expiring on June 30, 2005.

SECTION 2.7. Ellen Rose Haynes and Stacy Flannery of Wake County are appointed to the Board of Directors for the North Carolina Center for Nursing for terms expiring on June 30, 2005.

SECTION 2.8. Amelia Watts of Rowan County and Kevin Price of Mecklenburg County are appointed to the Child Care Commission for terms expiring on June 30, 2004. Mary Roberts of Orange County is appointed to the Child Care Commission for a term expiring on June 30, 2003, to fill the unexpired term of Linda Rivers.

SECTION 2.9. David J. Pruitt of Catawba County, Vernon Julius Bryant of Halifax County, and Kevin Gray Wallace of Wake County are appointed to the North Carolina Criminal Justice Education and Training Standards Commission for terms expiring on June 30, 2005.

SECTION 2.10. Janet Roberts of Beaufort County is appointed to the North Carolina Board of Dietetics/Nutrition for a term expiring on June 30, 2005.

SECTION 2.11. Effective September 1, 2002, Earl Butler of Cumberland County, the Honorable Wilma Sherrill of Buncombe County, Geraldine Sumpter and Joan Zimmerman of Mecklenburg County, Julia Freeman of Haywood County, and Aaron A. Cox of Bladen County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2004.

SECTION 2.12. Trudy Brown of Guilford County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2004, to fill the unexpired term of Charlotte Cable. Effective September 1, 2002, Shelton P. Dixon of Forsyth County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2005.

SECTION 2.13. Effective November 1, 2002, Paul Fulks of Wake County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term expiring on September 30, 2006.

SECTION 2.14. The Honorable Stanley H. Fox of Granville County, the Honorable Jennifer Weiss of Wake County, the Honorable Larry W. Womble of Forsyth County, the Honorable Larry T. Justus of Henderson County, Denise Barrett of Johnston County, Robert Bizzell of Lenoir County, Sylvia Coleman of Guilford County, and Joe W. Bowser of Durham County are appointed to the North Carolina Heart Disease and Stroke Prevention Task Force for terms expiring upon submission of the Task Force's final report to the General Assembly.

SECTION 2.15. Frederick L. Yates of Perquimans County and George Warner of Hyde County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2004.

SECTION 2.16. Jeffery Morse of Burke County and John Ronald Kincaid of Montgomery County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2004.

SECTION 2.17. Effective November 1, 2002, James R. Horton of Martin County, Robert Shinn of Cabarrus County, and Sue Russell of Orange County are appointed to the Board of Directors for the North Carolina Partnership for Children, Inc., for terms expiring on October 30, 2005.

SECTION 2.18. Jackie Warner of Cumberland County is appointed to the North Carolina Principal Fellows Commission for a term expiring on June 30, 2003, to fill the unexpired term of Henry Kluttz.

SECTION 2.19. Phyllis Lynch of Mecklenburg County and James C. Stevens of Carteret County are appointed to the Private Protective Services Board for terms expiring on June 30, 2005.

SECTION 2.20. Melvin Alston of Guilford County is appointed to the North Carolina Real Estate Commission for a term expiring on July 31, 2005. William C. Lackey, Jr. of Mecklenburg County is appointed to the North Carolina Real Estate Commission for a term expiring on July 31, 2006.

SECTION 2.21. William Croft of Hoke County is appointed to the North Carolina Respiratory Care Board for a term expiring on October 31, 2003, to fill the unexpired term of Floyd Boyer.

SECTION 2.22. Joseph Bryan of Guilford County, Saint Basnight of Dare County, and William Massey of Mecklenburg County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2004.

SECTION 2.23. Graham Bell of Gaston County and Meredith L. Norris of Haywood County are appointed to the Rules Review Commission for a term expiring on June 30, 2004.

SECTION 2.24. Bolling Gray McNeill, Jr. of Columbus County, Brad Phillips of Wake County, and Dr. Cecil L. Groves of Jackson County are appointed to the North Carolina Rural Internet Access Authority for terms expiring on November 30, 2003. Herbert W. Crenshaw, Jr. of Wake County is appointed to the North Carolina Rural Internet Access Authority for a term expiring on November 30, 2003, to fill the unexpired term of C. Don Hathcock.

SECTION 2.25. Stuart R. Smith of Brunswick County is appointed to the North Carolina Board for the Licensing of Soil Scientists for a term expiring on June 30, 2005.

SECTION 2.26. The Honorable Harold Brubaker of Randolph County is appointed to the Southern Dairy Compact Commission for a term expiring on June 30, 2006.

SECTION 2.27. Cleve Paul of Wayne County is appointed to the State Building Commission for a term expiring on June 30, 2005. Frederick G. Mills, Jr. of Wake County is appointed to the State Building Commission for a term expiring on June 30, 2006.

SECTION 2.28. Derryl Garner of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2004.

SECTION 2.29. James Holl of Wake County and Wallace Ray of Forsyth County are appointed to the Structural Pest Control Committee for terms expiring on June 30, 2006.

SECTION 2.30. Harriet McDowell of Columbus County, Linda Hardison of Moore County, Tricia A. Cotham of Mecklenburg County, and Shirley Annette Streater of Anson County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2005.

SECTION 2.31. P. Andrew Ellen of Wake County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2004. William S. Stone of Caldwell County is appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for a term expiring on June 30, 2003.

SECTION 2.32. Janet Delois Baldwin of Wake County is appointed to the State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2005. Roger Owens of Moore County is appointed to the State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2004.

SECTION 2.33. David Hutson of Durham County is appointed to the Well Contractors Certification Commission for a term expiring on June 30, 2004.

SECTION 2.34. James Cogdell of Mecklenburg County is appointed to the North Carolina Wildlife Resources Commission for a term expiring on April 30, 2004.

SECTION 2.35. Ben Muse of Nashville, Tennessee (Davidson County), Don Van Liew and Pamela Tope of Wake County, Frank Thomason of Rowan County, and Glenn Maynor of Robeson County are appointed to the Wireless 911 Board for terms expiring on June 30, 2006.

SECTION 2.36. Allan Dameron of Brunswick County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2005. John Culburtson of Mecklenburg County is appointed to the North Carolina Turnpike Authority for a term expiring on January 14, 2007.

PART III. CORRECT, CLARIFY AND CONFIRM TERMS

SECTION 3.1. Section 1A.4 of S.L. 2001-486 is repealed.

SECTION 3.2. Section 1A.7 of S.L. 2001-486 reads as rewritten:

"**SECTION 1A.7.** O. Temple Sloan and Don Beason of Wake County are appointed to the Centennial Authority for terms expiring on ~~June 30, 2003.~~June 30, 2005."

SECTION 3.2A. Section 1A.32 of S.L. 2001-486 reads as rewritten:

"**SECTION 1A.32.** Russell Robinson of Guilford County and Dr. Kenneth M. Sadler of Forsyth County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on ~~June 30, 2003.~~June 30, 2004."

--RECONSTITUTION OF NORTH CAROLINA BOARD OF MORTUARY SCIENCE EFFECTIVE JULY 1, 2003

SECTION 3.3.(a) Section 1A.27 of S.L. 2001-486 reads as rewritten:

"**SECTION 1A.27.** Notwithstanding G.S. 90-210.18 (b1) and (b3), and S.L. 2001-294, George S. Parrott of Carteret County is appointed to the North Carolina Board of Mortuary Science for a term beginning on January 1, 2002, expiring on ~~December 31, 2003~~ June 30, 2006, to serve as the General Assembly's appointee upon

the nomination of the Speaker of the House of Representatives and to replace Mr. Stuart Cozort whose term of office shall cease on January 1, 2002."

SECTION 3.3.(b) Notwithstanding any other provision of law, the number of the members of the North Carolina Board of Mortuary Science is increased to 10 members for the period beginning on the effective date of this act and ending on June 30, 2003. Notwithstanding any other provision of law, Mr. Stuart Cozart is appointed to the North Carolina Board of Mortuary Science for a term of office beginning on the effective date of this act and ending on June 30, 2004.

PART IV. STATUTORY AND SESSION LAW CHANGES

--MOTOR VEHICLE DEALERS' ADVISORY BOARD ABOLISHED

SECTION 4.1.(a) G.S. 20-305.4 is repealed.

SECTION 4.1.(b) G.S. 20-305.5 reads as rewritten:

"**§ 20-305.5. Sections 20-305, subdivisions (4) through (28), and 20-305.1 to ~~20-305.4~~ 20-305.3 not applicable to certain manufacturers and dealers.**

The provisions of G.S. 20-305(4) through G.S. 20-305(28) and 20-305.1 to ~~20-305.4~~20-305.3 shall not apply to manufacturers of, or dealers in, mobile or manufactured type housing or recreational trailers."

--NORTH CAROLINA BOARD OF MORTUARY SCIENCE

SECTION 4.2.(a) G.S. 90-210.18 reads as rewritten:

"**§ 90-210.18. Construction of Article; State Board; members; ~~election; qualifications;~~ term; vacancies.**

(a) The General Assembly declares that the practice of funeral service affects the public health, safety and welfare, and is subject to regulation and control in the public interest. The public interest requires that only qualified persons be permitted to practice funeral service in North Carolina, and that the profession merit the confidence of the public. This Article shall be liberally construed to accomplish these ends.

(b) The North Carolina Board of Mortuary Science is created and shall regulate the practice of funeral service in this State. The Board shall have ~~nine~~ twelve members as follows:

(1) ~~Four funeral service licensees or persons holding both funeral director's license and an embalmer's license,~~ Four members appointed by the Governor.

(2) ~~Two persons holding a funeral director's license or a funeral service license, and~~ Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.

(3) ~~Three public members.~~Four members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

Each of the appointing authorities shall appoint two members who are either licensed funeral directors or funeral service licensees, and two public members who are neither licensed under this Article nor employed by a person who is licensed. To

establish staggered terms, the Governor, the General Assembly, upon the recommendation of the Speaker of the House of Representatives, and the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, each, shall initially appoint one member to serve one year, one member to serve two years, and two members to serve three years. A vacancy shall be filled for an unexpired term by the appointing authority.

(b1) A member's term shall be three years and shall expire on ~~December 31~~ June 30 or when ~~his or her~~ that member's successor has been duly ~~elected or appointed.~~ appointed, whichever is later. No member may serve more than two complete consecutive terms. All members of the Board shall have full voting authority.

(b2) ~~The six seats on the Board for licensees shall be filled in an election in which every person licensed to practice embalming, funeral directing, or funeral service in this State may vote. No licensee may be nominated, elected, or serve unless he holds a North Carolina license in the class designated for the seat and unless the licensee is engaged in full-time employment in this State in a practice authorized by the licensee's license. Any vacancy occurring in an elective seat on the Board shall be filled for the unexpired term by majority vote of the remaining Board members.~~

~~(b3) The Governor, the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and the General Assembly upon the recommendation of the Speaker of the House of Representatives shall each appoint one public member to the Board. The public members of the Board may neither be licensed under this Article nor employed by a person who is. A vacancy occurring in a public member's seat shall be filled for the unexpired term by the appointing official.~~

(c) ~~Nominations and elections of members of the North Carolina State Board of Mortuary Science shall be as follows:~~

~~(1) An election shall be held each year to elect two persons for membership on the Board of Mortuary Science, each to take office on the first day of January following the election. If in any year the election of a member of the Board is not completed by January 1, the member elected that year shall take office immediately after completion of the election.~~

~~(2) Every embalmer, funeral director and funeral service licensee with a current North Carolina license shall be eligible to vote in all elections. The holding of such a license to practice in North Carolina shall constitute registration to vote in such elections. The list of licensed embalmers, funeral directors and funeral service licensees shall constitute the registration list for elections.~~

~~(3) All elections shall be conducted by the State Board of Mortuary Science which is hereby constituted a Board of Mortuary Science Elections. If a member of the State Board of Mortuary Science whose position is to be filled at any election is nominated to succeed himself and does not withdraw his name, he shall be disqualified to serve as a member of the Board of Mortuary Science Elections for that election~~

~~and the remaining members of the Board of Mortuary Science Elections shall proceed and function without his participation.~~

~~(4) Nomination of candidates for election shall be made to the Board of Mortuary Science Elections by a written petition signed by not less than 20 embalmers, funeral directors or funeral service licensees licensed to practice in North Carolina, and filed with said Board of Mortuary Science Elections subsequent to the first day of May of the year in which the election is to be held and not later than midnight of the first day of August of such year, or not later than such earlier date (not before July 1) as may be set by the Board of Mortuary Science Elections: Provided, that not less than 10 days' notice of such earlier date shall be given to all embalmers, funeral directors and funeral service licensees qualified to sign a petition of nomination.~~

~~(5) Any person who is nominated as provided in subdivision (4) above may withdraw his name by written notice delivered to the Board of Mortuary Science Elections or its designated secretary at any time prior to the closing of the polls in any election.~~

~~(5a) Repealed by Session Laws 1983, c. 69, s. 3.~~

~~(6) Following the close of nominations, there shall be prepared, under and in accordance with such rules and regulations as the Board of Mortuary Science Elections shall prescribe, ballots containing identification of the seats for election and, in alphabetical order, the names of all nominees for each seat. Each ballot shall have such method of identification, and such instructions and requirements printed thereon, as shall be prescribed by the Board of Mortuary Science Elections at such time as may be fixed by the Board of Mortuary Science Elections a ballot and a return official envelope addressed to said Board shall be mailed to each embalmer, funeral director and funeral service licensee licensed to practice in North Carolina, together with a notice by said Board designating the latest day and hour for return mailing and containing such other items as such Board may see fit to include. The said envelope shall bear a serial number and shall have printed on the left portion of its face the following:~~

~~"Serial No. of Envelope~~

~~Signature of Voter~~

~~Address of Voter~~

~~(Note: The enclosed ballot is not valid unless the signature of the voter is on this envelope)." The Board of Mortuary Science Elections may~~

~~cause to be printed or stamped or written on said envelope such additional notice as it may see fit to give. No ballot shall be valid or shall be counted in an election unless within the time hereinafter provided it has been delivered to said Board by hand or by mail and shall be sealed. The said Board by rule may make provision for replacement of lost or destroyed envelopes or ballots upon making proper provisions to safeguard against abuse.~~

~~(7) The date and hour fixed by the Board of Mortuary Science Elections as the latest time for delivery by hand or mailing of said return ballots shall be not earlier than the tenth day following the mailing of the envelopes and ballots to the voters.~~

~~(8) The said ballots shall be canvassed by the Board of Mortuary Science Elections beginning at 1:00 p.m. on a day and at a place set by said Board and announced by it in the notice accompanying the sending out of the ballots and envelopes, said date to be not later than four days after the date fixed by the Board for the closing of the balloting. The canvassing shall be made publicly and any licensed embalmer, funeral director or funeral service licensee may be present. The counting of ballots shall be conducted as follows: The envelopes shall be displayed to the persons present and an opportunity shall be given to any person present to challenge the qualification of the voter whose signature appears on the envelope or to challenge the validity of the envelope. Any envelope (with enclosed ballot) challenged shall be set aside, and the challenge shall be heard later or at that time by said Board. After the envelopes have been so exhibited, those not challenged shall be opened and the ballots extracted therefrom, insofar as practicable without showing the marking on the ballots, and there shall be a final and complete separation of each envelope and its enclosed ballot. Thereafter each ballot shall be presented for counting, shall be displayed and, if not challenged, shall be counted. No ballot shall be valid if it is marked for more nominees than there are positions to be filled in that election: Provided, that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choices or choice from the ballot. The counting of ballots shall be continued until completed. During the counting, challenge may be made to any ballot on the grounds only of defects appearing on the face of the ballot. The said Board may decide the challenge immediately when it is made or it may put aside the ballot and determine the challenge upon the conclusion of the counting of the ballots.~~

~~(9) a. Election shall be determined by a majority of the votes cast. As used in this subdivision "category I" refers to the seat held by a funeral service licensee or a person holding both a funeral director's license and an embalmer's license, and "category II"~~

~~refers to the seat held by a funeral director or a funeral service licensee. A majority shall be determined:~~

~~1. In an election to fill one seat in category I and one seat in category II, and if there are two or more candidates for a category, the majority shall be determined by dividing the total vote cast for all candidates in the category by two. An excess of the sum so ascertained shall be a majority.~~

~~2. In an election to fill two seats in the same category, and if there are more than two candidates, the majority shall be determined by dividing the total vote cast for all candidates by two and by dividing the result by two. Any excess of the sum so ascertained shall be a majority. If more than two candidates obtain a majority the two having the highest vote shall be declared elected.~~

~~b. If there is a failure to obtain a majority of the votes cast for any seat the following procedures shall apply:~~

~~1. In an election to fill one seat in category I and one seat in category II, and if no candidate receives a majority in a category, the candidate receiving the highest number of votes in that category shall be declared elected unless the candidate receiving the second highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election, the names of the candidates who received the highest and the next highest number of votes shall appear on the ballot.~~

~~2. In an election to fill two seats in the same category, and if no candidate receives a majority, the two candidates receiving the highest number of votes shall be declared elected unless the candidate receiving the next highest number of votes, within 10 days of having been notified by the Board of the vote total, shall request a second election. In the second election the names of the two candidates who received the highest number of votes in the first election and the name of the candidate who received the next highest number of votes shall appear on the ballot, and the two candidates who receive the highest number of votes in the second election shall be declared elected. If in the first election only one candidate fails to receive a majority, the candidate receiving the highest number of votes, but not a majority, shall be declared elected unless the candidate receiving the next highest number of votes, within 10 days of~~

~~having been notified by the Board of the vote total, shall request a second election. In the second election the name of the candidate who received the highest number of votes, but not a majority, in the first election and the name of the candidate who received the next highest number of votes shall appear on the ballot, and the candidate who receives the higher number of votes in the second election shall be declared elected.~~

~~c. In any election if there is a tie between candidates the tie shall be resolved by a vote of the Board, provided that if a member of the Board is one of the candidates in the tie he may not participate in such vote.~~

~~(10) In the event there shall be required a second election, there shall be followed the same procedure as outlined in the paragraphs above subject to the same limitations and requirements.~~

~~(11) In the case of the death or withdrawal of a candidate prior to the closing of the polls in any election, he shall be eliminated from the contest and any votes cast for him shall be disregarded. If, at any time after the closing of the period for nominations, because of lack of plural or proper nominations, or death, or withdrawal, or disqualification or any other reason, there shall be (i) only one candidate for a position, he shall be declared elected by the Board of Mortuary Science Elections, or (ii) no candidate for a position, the position shall be filled by the State Board of Mortuary Science. In the event of the death or withdrawal of a candidate after election but before taking office, the position to which he was elected shall be filled by the State Board of Mortuary Science. In the event of the death or resignation of a member of the State Board of Mortuary Science, after taking office, his position shall be filled for the unexpired term by the State Board of Mortuary Science.~~

~~(12) An official list of all licensed embalmers, funeral directors and funeral service licensees shall be kept at an office of the Board of Mortuary Science Elections and shall be open to the inspection of any person at all times. Copies may be made by any licensed embalmer, funeral director or funeral service licensee. As soon as the voting in any election begins, a list of the licensed embalmers, funeral directors, and funeral service licensees shall be posted in such office of said Board and indication by mark or otherwise shall be made on that list to show whether a ballot enclosing envelope has been returned.~~

~~(13) All envelopes enclosing ballots and all ballots shall be preserved and held separately by the Board of Mortuary Science Elections for a period of six months following the close of an election.~~

~~(14) From any decision of the Board of Mortuary Science Elections relative to the conduct of such elections, appeal may be taken to the courts in~~

~~provided that notice shall be given to all licensed embalmers, funeral directors, and funeral service licensees.~~

~~(d) The Board of Mortuary Science Elections is authorized to appoint such secretary or secretaries and/or assistant secretary or assistant secretaries to perform such functions in connection with such nominations and elections as said Board shall determine, provided that any protestant or contestant shall have the right to a hearing by said Board in connection with any challenge of a voter, or an envelope, or a ballot or the counting of an election. Said Board is authorized to designate an office or offices for the keeping of lists of registered embalmers, funeral directors and funeral service licensees, for the issuance and receipt of envelopes and ballots.~~"

SECTION 4.2.(b) G.S. 90-210.22 reads as rewritten:

"**§ 90-210.22. Required meetings of the Board.**

The Board shall hold at least two meetings in each year at which examinations shall be given to qualified applicants for licenses. In addition, the Board ~~may meet as often as~~ shall meet monthly for the proper and efficient discharge of its ~~duties shall require.~~duties. Five members shall constitute a quorum."

SECTION 4.2.(c) G.S. 90-210.23(b) reads as rewritten:

"(b) The Board shall elect from its members a ~~president, a vice-president~~ chair, a vice-chair, and a secretary, no two offices to be held by the same person. The ~~president and vice-president~~ chair and vice-chair and secretary shall serve for one year and until their successors shall be elected and qualify. The Board shall have authority to engage adequate staff as deemed necessary to perform its duties."

SECTION 4.2.(d) G.S. 90-210.25(a1) reads as rewritten:

"(a1) Inactive Licenses. – Any person holding a license issued by the Board for funeral directing, for embalming, or for the practice of funeral service may apply for an inactive license in the same category as the active license held. The inactive license is renewable annually. Continuing education is not required for the renewal of an inactive license. ~~The only activity that a holder of an inactive license may engage in is to vote pursuant to G.S. 90-210.18(c)(2).~~ The holder of an inactive license may apply for an active license in the same category, and the Board shall issue an active license if the applicant has completed in North Carolina a total number of hours of accredited continuing education equal to five times the number of years the applicant held the inactive license. No application fee is required for the reinstatement of an active license pursuant to this subsection. The holder of an inactive license who returns to active status shall surrender the inactive license to the Board."

SECTION 4.2.(e) Notwithstanding any other provision of law, Mr. George Parrott's and Mr. Stuart Cozart's appointments to and terms of office on the North Carolina Board of Mortuary Science shall be as set forth in Section 3.3(a) and (b) of this act, despite the reconstitution of the Board as set forth in Section 4.2(a) of this act. Mr. Parrott's appointment to and term of office on the Board shall be that of the member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for the initial three-year term, as set forth in G.S. 90-210.18(b) as amended by Section 4.2(a) of this act when effective. Mr. Stuart Cozart's appointment to and term of office on the Board shall be that of the member

appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives for a term beginning on the effective date of this act and ending on June 30, 2004, for the initial one-year term, as set forth in G.S. 90-210.18(b) as amended by Section 4.2(a) of this act when effective.

SECTION 4.2.(f) Except as set forth in Section 4.2(e) of this act, the members of the Board of Mortuary Science on January 1, 2002, shall continue in office until June 30, 2003.

SECTION 4.2.(g) Beginning January 1, 2004, the Board of Mortuary Science shall report to the Joint Legislative Commission on Governmental Operations annually regarding its activities.

SECTION 4.2.(h) Sections 4.2(a) through 4.2(d) of this section become effective July 1, 2003. The remainder of this section is effective when it becomes law.

--NORTH CAROLINA REAL ESTATE COMMISSION

SECTION 4.3.(a) G.S. 93A-3(a) reads as rewritten:

"(a) There is hereby created the North Carolina Real Estate Commission, hereinafter called the Commission. The Commission shall consist of ~~nine~~ eleven members, seven members to be appointed by the Governor, ~~one member~~two members to be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and ~~one member~~two members to be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. At least three members of the Commission shall be licensed real estate brokers or real estate salespersons. At least two members of the Commission shall be persons who are not involved directly or indirectly in the real estate or real estate appraisal business. Members of the Commission shall serve three-year terms so staggered that the terms of ~~three~~ four members expire in one year, the terms of ~~three~~ four members expire in the next year, and the terms of three members expire in the third year of each three-year period. The members of the Commission shall elect one of their members to serve as chairman of the Commission for a term of one year. The Governor may remove any member of the Commission for misconduct, incompetency, or willful neglect of duty. The Governor shall have the power to fill all vacancies occurring on the Commission, except vacancies in legislative appointments shall be filled under G.S. 120-122."

SECTION 4.3.(b) The terms of Marsha Jordan, Janie Waff, and Melvin Alston shall run for an initial period of three years beginning August 1, 2002. The term of William C. Lackey, Jr. shall run for an initial period of four years beginning August 1, 2002. After the initial terms, the terms of the persons appointed to fill the seats to which Ms. Jordan, Ms. Waff, Mr. Alston, and Mr. Lackey are hereby appointed shall be three years commencing August 1 in the year the initial term expired.

--NORTH CAROLINA APPRAISAL BOARD

SECTION 4.4.(a) G.S. 93E-1-5(a) reads as rewritten:

"(a) There is created the North Carolina Appraisal Board for the purposes set forth in this Chapter. The Board shall consist of ~~seven~~ nine members. The Governor shall

--NORTH CAROLINA APPRAISAL BOARD

SECTION 4.4.(a) G.S. 93E-1-5(a) reads as rewritten:

"(a) There is created the North Carolina Appraisal Board for the purposes set forth in this Chapter. The Board shall consist of ~~seven~~ nine members. The Governor shall appoint five members of the Board, and the General Assembly shall appoint ~~two~~ four members in accordance with G.S. 120-121, ~~one~~ two upon the recommendation of the President Pro Tempore of the Senate and ~~one~~ two upon the recommendation of the Speaker of the House of Representatives. Members appointed by the Governor shall be appointed from geographically diverse areas of the State. The ~~appointee~~ appointees recommended by the Speaker of the House of Representatives and the appointees of the Governor shall be persons who have been engaged in the business of real estate appraising in this State for at least five years immediately preceding their appointment and are also State-licensed or State-certified real estate appraisers. No more than three of the appointees may be members of the same appraiser trade organization at any one time. The ~~appointee~~ appointees recommended by the President Pro Tempore of the Senate shall be ~~a person~~ persons not involved directly or indirectly in the real estate, real estate appraisal, or the real estate lending industry. Members of the Board shall serve three-year terms so staggered that the terms of three members expire in one year, the terms of ~~two~~ three members expire in the next year, and the terms of ~~two~~ three members expire in the third year of each three-year period. The members of the Board shall elect one of their members to serve as chairman of the Board for a term of one year. The Governor may remove any member of the Board appointed by the Governor for misconduct, incompetency, or neglect of duty. The General Assembly may remove any member appointed by it for the same reasons. Successors shall be appointed by the appointing authority making the original appointment. All vacancies occurring on the Board shall be filled, for the unexpired term, by the appointing authority making the original appointment. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Initial terms of office commenced July 1, 1994."

SECTION 4.4.(b) The terms of Henry Faircloth, Stephanie Simpson, and Lawrence Talbot shall run for an initial period of three years beginning July 1, 2002. The term of Bart Bryson shall run for an initial period of four years beginning July 1, 2002. After the initial terms, the terms of the persons appointed to fill the seats to which Mr. Faircloth, Ms. Simpson, Mr. Bryson, and Mr. Talbot are hereby appointed shall be three years commencing July 1 in the year the initial term expired.

--STRUCTURAL PEST CONTROL COMMITTEE

SECTION 4.5. G.S. 106-65.23(c) reads as rewritten:

"(c) There is hereby created a Structural Pest Control Committee to be composed of the following members. The Commissioner shall appoint one member of the Committee who is not in the structural pest control business for a four-year term. The Commissioner of Agriculture shall designate an employee of the Department of Agriculture and Consumer Services to serve on the Committee at the pleasure of the

Commissioner. The dean of the School of Agriculture of North Carolina State University at Raleigh shall appoint one member of the Committee who shall serve for one term of two years and who shall be a member of the entomology faculty of the University. The vacancy occurring on the Committee by the expired term of the member from the entomology faculty of the University shall be filled by the dean of the School of Agriculture of North Carolina State University at Raleigh who shall designate any person of the dean's choice from the entomology faculty of the University to serve on the Committee at the pleasure of the dean. The Secretary of Health and Human Services shall appoint one member of the Committee who shall be an epidemiologist and who shall serve at the pleasure of the Secretary. The Governor shall appoint two members of the Committee who are actively engaged in the pest control industry, who are licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and who are residents of the State of North Carolina but not affiliates of the same company.

The Governor's initial appointees from the pest control industry shall be appointed as follows: one for a two-year term and one for a three-year term. The Governor shall appoint one member of the Committee who is a public member and who is unaffiliated with the structural pest control industry, the pesticide industry, the Department of Agriculture and Consumer Services, the Department of Health and Human Services and the School of Agriculture at North Carolina State University at Raleigh. The initial public member shall be appointed for a term of two years, commencing July 1, 1991. After the initial appointments by the Governor, all ensuing appointments by the Governor shall be for terms of four years. Any vacancy occurring on the Committee by reason of death, resignation, or otherwise shall be filled by the Governor or the Commissioner of Agriculture, as the case may be, for the unexpired term of the member whose seat is vacant.

~~One member~~Two members of the Committee shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and ~~one member~~two members of the Committee shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The ~~member~~ members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be actively engaged in the pest control industry, licensed in at least two phases of structural pest control as provided under G.S. 106-65.25(a), and ~~a resident~~ residents of the State of North Carolina but not ~~an affiliate~~affiliates of the same company as either of the two members from the industry appointed by the Governor. Appointments made by the General Assembly shall be for terms of four years. Vacancies in such appointments shall be filled in accordance with G.S. 120-122."

--CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES

SECTION 4.6.(a) G.S. 113-145.5 reads as rewritten:

"**§ 113-145.5. Clean Water Management Trust Fund: Board of Trustees established; membership qualifications; vacancies; meetings and meeting facilities.**

(a) Board of Trustees Established. – There is established the Clean Water Management Trust Fund Board of Trustees. The Clean Water Management Trust Fund Board of Trustees shall be ~~independent, but for administrative purposes shall be~~ administratively located ~~under~~ within the Department of Environment and Natural ~~Resources.~~Resources but shall be independent of the Department.

(b) Membership. – The Clean Water Management Trust Fund Board of Trustees shall be composed of ~~18 members. Six members shall be appointed by the Governor, six by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and six by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.~~21 members appointed to four-year terms as follows:

(1) One member appointed by the Governor to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.

(2) One member appointed by the Governor to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.

(3) One member appointed by the Governor to a term that expires on July 1 of years that are evenly divisible by four.

(4) One member appointed by the Governor to a term that expires on July 1 of years that are evenly divisible by four.

(5) One member appointed by the Governor to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.

(6) One member appointed by the Governor to a term that expires on July 1 of years that follow by two years those years that are evenly divisible by four.

(7) One member appointed by the Governor to a term that expires on July 1 of years that follow by two years those years that are evenly divisible by four.

(8) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.

(9) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that are evenly divisible by four.

(10) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that are evenly divisible by four.

(11) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.

(12) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.

(13) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate on July 1 of years that follow by two years those years that are evenly divisible by four.

(14) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate on July 1 of years that follow by two years those years that are evenly divisible by four.

(15) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.

(16) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that precede by one year those years that are evenly divisible by four.

(17) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that are evenly divisible by four.

(18) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.

(19) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives to a term that expires on July 1 of years that follow by one year those years that are evenly divisible by four.

(20) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives on July 1 of years that follow by two years those years that are evenly divisible by four.

(21) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives on July 1 of years that follow by two years those years that are evenly divisible by four.

(b1) Qualifications. – The office of Trustee is declared to be an office that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution. Persons appointed shall be knowledgeable in one of the following areas:

(1) Acquisition and management of natural areas.

(2) Conservation and restoration of water quality.
(3) Wildlife and fisheries habitats and resources.
(4) Environmental management.

(c) ~~Initial Appointments.~~ Chair. ~~Each appointing officer shall designate two of the officer's initial appointments to serve two-year terms, two to serve four-year terms, and two to serve six-year terms. Thereafter, all appointments shall be for four years, subject to reappointment. All initial appointments shall be made on or before January 1, 1997.~~ The Governor shall appoint one ~~Trustee~~ member to serve as Chair of the ~~Board.~~Board of Trustees.

(d) Vacancies. – ~~If a vacancy occurs, other than by the expiration of term, of a member subject to appointment by the General Assembly upon the recommendation of the Speaker of the House of Representatives or the President Pro Tempore of the Senate, the vacancy shall be filled in accordance with G.S. 120-122. All other vacancies shall be filled by the appointing official in the original manner.~~An appointment to fill a vacancy on the Board of Trustees created by the resignation, removal, disability, or death of a member shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be as provided in G.S. 120-122.

(e) Frequency of Meetings. – The Board of Trustees shall meet at least twice each year and may hold special meetings at the call of the Chair or a majority of the members.

(f) Per Diem and Expenses. ~~The Trustees~~ Each member shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. Per diem, subsistence, and travel expenses of the Trustees shall be paid from the Fund.

(g) Meeting Facilities. – The Secretary of Environment and Natural Resources shall provide meeting facilities for the Board of Trustees and its staff as requested by the Chair."

SECTION 4.6.(b) In order to alter the schedule of staggered terms of four years for the Board of Trustees of the Clean Water Management Trust Fund so that, as nearly as possible, the same number of terms will expire each year and to provide for an orderly transition in membership of the Board of Trustees to the terms specified in G.S. 113-145.5, as amended by Section 4.6.(a) of this act, the following provisions shall apply:

(1) William McPhatter, Sr. shall serve in the position established by G.S. 113-145.5(b)(1) through July 1, 2003.
(2) Joseph M. Hester, Jr. shall serve in the position established by G.S. 113-145.5(b)(2) through July 1, 2003.
(3) John McMillan shall serve in the position established by G.S. 113-145.5(b)(3) through July 1, 2004.
(4) Caroline B. Ansbacher shall serve in the position established by G.S. 113-145.5(b)(4) through July 1, 2004.
(5) Leland McKinley Simmons shall serve in the position established by G.S. 113-145.5(b)(5) through July 1, 2005.

(6) Edwin G. Wilson, Jr. shall serve in the position established by G.S. 113-145.5(b)(6) through July 1, 2006.
(7) The Governor shall appoint a member to serve in the position established by G.S. 113-145.5(b)(7) through July 1, 2006.
(8) William E. Hollan, Jr. shall serve in the position established by G.S. 113-145.5(b)(8) through July 1, 2003.
(9) Claudette Weston shall serve in the position established by G.S. 113-145.5(b)(9) through July 1, 2004.
(10) Jerry W. Wright shall serve in the position established by G.S. 113-145.5(b)(10) through July 1, 2004.
(11) William J. Brooks, III shall serve in the position established by G.S. 113-145.5(b)(11) through July 1, 2005.
(12) Dickson Mclean, Jr. shall serve in the position established by G.S. 113-145.5(b)(12) through July 1, 2005.
(13) Alex MacFadyen of Wake County is appointed to serve in the position established by G.S. 113-145.5(b)(13) through July 1, 2006.
(14) Johnnie Mosley of Lenoir County is appointed to serve in the position established by G.S. 113-145.5(b)(14) through July 1, 2006.
(15) Karen Cragnolin shall serve in the position established by G.S. 113-145.5(b)(15) through July 1, 2003.
(16) C. Leroy Smith shall serve in the position established by G.S. 113-145.5(b)(16) through July 1, 2003.
(17) Allen Holt Gwyn shall serve in the position established by G.S. 113-145.5(b)(17) through July 1, 2004.
(18) Robert Dare Howard shall serve in the position established by G.S. 113-145.5(b)(18) through July 1, 2005.
(19) Margaret B. Markey shall serve in the position established by G.S. 113-145.5(b)(19) through July 1, 2005.
(20) Charles R. Wakild shall serve in the position established by G.S. 113-145.5(b)(20) through July 1, 2006.

--TASK FORCE ON SCHOOL-BASED MANAGEMENT ABOLISHED

SECTION 4.7. G.S. 115C-105.31 is repealed.

--JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY

SECTION 4.8.(a) G.S. 120-232(a) reads as rewritten:

"(a) The Committee shall consist of ~~16~~ 18 members as follows:
(1) Five members of the Senate at the time of their appointment, appointed by the President Pro Tempore of the Senate.
(2) Five members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives.
(3) ~~Three~~ Four members of the public, appointed by the President Pro Tempore of the Senate.

(4) ~~Three~~ Four members of the public, appointed by the Speaker of the House of Representatives."

SECTION 4.8.(b) G.S. 120-232(b) reads as rewritten:

"(b) Members of the Committee shall serve terms of two years beginning on ~~August 15 of each odd-numbered year~~, August 15, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

(1) The public members shall serve terms of three years.

(2) The members who are members of the General Assembly shall serve terms of two years.

Initial terms shall commence on August 15, 1999."

--STATE BUILDING COMMISSION

SECTION 4.9. G.S. 143-135.25(c) reads as rewritten:

"(c) The Commission shall consist of ~~nine~~ eleven members qualified and appointed as follows:

(1) A licensed architect whose primary practice is or was in the design of buildings, chosen from among not more than three persons nominated by the North Carolina Chapter of the American Institute of Architects, appointed by the Governor.

(2) A registered engineer whose primary practice is or was in the design of engineering systems for buildings, chosen from among not more than three persons nominated by the Consulting Engineers Council and the Professional Engineers of North Carolina, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) A licensed building contractor whose primary business is or was in the construction of buildings, or an employee of a company holding a general contractor's license, chosen from among not more than three persons nominated by the Carolinas AGC (Associated General Contractors), appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) A licensed electrical contractor whose primary business is or was in the installation of electrical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Electrical Contractors, and the Carolinas Electrical Contractors' Association, appointed by the Governor.

(5) ~~A public member~~Two public members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(5a) One public member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(6) A licensed mechanical contractor whose primary business is or was in the installation of mechanical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Plumbing, Heating, Cooling Contractors, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(7) An employee of the university system currently involved in the capital facilities development process, chosen from among not more than three persons nominated by the Board of Governors of The University of North Carolina, appointed by the Governor.

(8) A public member who is knowledgeable in the building construction or building maintenance area, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(9) A representative of local government, chosen from among not more than two persons nominated by the North Carolina Association of County Commissioners and two persons nominated by the North Carolina League of Municipalities, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

The members shall be appointed for staggered three-year terms: The initial appointments to the Commission shall be made within 15 days of the effective date of this act [April 14, 1987]. The initial terms of members appointed pursuant to subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. Members may serve no more than six consecutive years. In making new appointments or filling vacancies, the Governor shall ensure that minorities and women are represented on the Commission.

Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of the unexpired terms. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill vacancies shall qualify in the same manner as persons appointed for full terms.

The chairman of the Commission shall be elected by the Commission. The Secretary of State shall serve as chairman until a chairman is elected."

--NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

SECTION 4.10.(a) G.S. 143-240(a) reads as rewritten:

"(a) There is hereby created the Wildlife Resources Commission of the Department of Environment and Natural Resources which shall consist of ~~19~~ 21 citizens of North Carolina who shall be appointed as is provided in G.S. 143-241.

Each member of the Commission shall be an experienced hunter, fisherman, farmer, or biologist, who shall be generally informed on wildlife conservation and restoration problems.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6 as the case may be, which shall be paid from fees collected by the Wildlife Resources Commission."

SECTION 4.10.(b) G.S. 143-241 reads as rewritten:

"**§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

The members of the North Carolina Wildlife Resources Commission shall be appointed as follows:

The Governor shall appoint one member each from the first, fourth, and seventh wildlife districts to serve six-year terms;

The Governor shall appoint one member each from the second, fifth, and eighth wildlife districts to serve two-year terms;

The Governor shall appoint one member each from the third, sixth, and ninth wildlife districts to serve four-year terms;

The Governor shall also appoint two at-large members to serve four-year terms.

The General Assembly shall appoint ~~eight~~ 10 members of the Commission to serve two-year terms, ~~four~~ five upon the recommendation of the Speaker of the House, ~~four~~ five upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor serve at the pleasure of the Governor that appointed them and they may be removed by that Governor at any time. A successor to the appointing Governor may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

--NORTH CAROLINA PARKS AND RECREATION AUTHORITY

SECTION 4.12. G.S. 143B-313.2(a) reads as rewritten:

"(a) Membership. – The North Carolina Parks and Recreation Authority shall consist of ~~11~~ 13 members. The members shall include persons who are knowledgeable about park and recreation issues in North Carolina or with expertise in finance. In making appointments, each appointing authority shall specify under which subdivision of this subsection the person is appointed. Members shall be appointed as follows:

(1) One member appointed by the Governor.

(2) One member appointed by the Governor.
(3) One member appointed by the Governor.
(4) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(5) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(6) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(7) One member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, as provided in G.S. 120-121.
(8) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
(9) One member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
(10) ~~One member~~Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121.
(11) ~~One member~~Two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, as provided in G.S. 120-121."

--ECONOMIC DEVELOPMENT BOARD

SECTION 4.14. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~37~~38 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining ~~23~~24 members of the Board. ~~Effective with the terms beginning July 1, 1997, one of~~ Of the Governor's ~~appointees~~ appointees, one shall be a representative of a nonprofit organization involved in economic ~~development and~~development, two ~~of the Governor's appointees~~ shall be county economic development ~~representatives.~~representatives, and one shall be the president of the North Carolina Economic Developers' Association, who shall serve ex officio. The Governor

shall designate a chair and a vice-chair from among the members of the Board. ~~Appointments~~ All appointments to the Board ~~made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993,~~ should reflect the ethnic and gender diversity of the State as nearly as practical.

~~The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter,~~ all All appointments shall be for a term of four years.

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

--NORTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION

SECTION 4.15. G.S. 158-8.2(b) reads as rewritten:

"(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

(1) Six members shall be appointed by the Governor.

(2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

(4) The Secretary of Commerce, or a designee.

(5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner or other local elected official may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission."

--NORTH CAROLINA AUCTIONEERS COMMISSION

SECTION 4.16.(a) G.S. 85B-3 reads as rewritten:

"**§ 85B-3. Auctioneers Commission.**

(a) There shall be a ~~five-member~~ seven-member North Carolina Auctioneers Commission having the powers and responsibilities set out in this Chapter. The Governor shall appoint ~~the~~ five members of the Commission, at least three of whom, and their successors, shall be from nominations submitted by the Auctioneers Association of North Carolina. The General Assembly shall appoint one member upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The General Assembly shall appoint one member upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The Auctioneers Association shall submit, within 45 days of when the vacancy occurs, at least three names for each position for which it is entitled to make a nomination. ~~Of the initial five members of the Commission one shall be appointed for a one-year term, two shall be appointed for two-year terms and two for three-year terms; thereafter, each new~~ Each member shall be appointed for a term of three years. Any vacancy shall be filled for the remainder of the unexpired term only. Each member shall continue in office until his successor is appointed and qualified. No member shall serve more than two complete consecutive terms.

(b) At least three members of the Commission appointed by the Governor shall be experienced auctioneers who are licensed under this Chapter. One member appointed by the Governor shall be a person who shall represent the public at large and shall not be licensed under this Chapter.

(c) The Commission shall employ an executive director and other employees as needed to carry out the duties of this Chapter. All employees shall serve at the pleasure of the Commission.

(d) Any action that may be taken by the Commission may be taken by vote of any ~~three~~ four of its members.

(e) The members of the Commission shall elect from among themselves a chairman to serve a one-year term. No person shall serve more than two consecutive terms as chairman.

(f) Repealed by Session Laws 1999-142, s. 1.

(g) Members of the Commission shall receive the compensation set for members of occupational licensing boards by G.S. 93B-5."

SECTION 4.16.(b) Notwithstanding G.S. 85B-3(a), as amended by subsection (a) of this section, the initial terms of the two positions added on the North Carolina Auctioneers Commission shall expire on June 30, 2004. Therafter the terms of the two positions shall be three years.

--NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS

SECTION 4.17. G.S. 88A-5(a) reads as rewritten:

"(a) The North Carolina Board of Electrolysis Examiners is created. The Board shall consist of ~~five~~ seven members as follows:

(1) ~~Three~~ Five electrologists who have engaged in the practice of electrolysis for at least five years, ~~one~~ two of whom shall be appointed by the General Assembly upon the recommendation of the Speaker of

the House of Representatives, ~~one~~ two of whom shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and one of whom shall be appointed by the Governor.

(2) A physician licensed under Chapter 90 of the General Statutes, who shall be nominated by the North Carolina Medical Board and appointed by the Governor.

(3) A public member, appointed by the Governor, who has not practiced electrolysis, who is not in training to become an electrologist, and who is not related to anyone who would be prohibited by this subdivision from serving on the Board as a public member."

--GLOBAL TRANSPARK DEVELOPMENT COMMISSION

SECTION 4.18. G.S. 158-35(a) reads as rewritten:

"(a) Commission Membership. – The governing body of the Zone is the Global TransPark Development Commission. The members of the Commission must be residents of the Zone and shall be appointed as follows:

(1) The board of commissioners of each county participating in the Zone shall appoint three voting members, one of whom shall be a minority person as defined in G.S. 143-128.2(g)(2) and one of whom may be a member of the board of commissioners.

(2) The Commission shall appoint at least three but no more than seven voting members. By the appointment of these members, the Commission shall ensure that the voting membership of the Commission includes at least seven women and seven members of a racial minority described in G.S. 143-128.2(g)(2). The Commission shall appoint the fewest number of members necessary to achieve these minimums.

(3) ~~Four~~ Ten nonvoting members shall be appointed as follows:

a. One appointed by the Chancellor of East Carolina University to represent the University.

b. One appointed by a majority vote of the presidents of the community colleges located in the Zone, to represent the community colleges.

c. One appointed by the chair of the State Ports Authority, to represent the sea ports of the State.

d. One member of the board of directors of the Global TransPark Foundation, Inc., appointed by that board.

e. Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 from counties participating in the Zone.

f. Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of

Representatives in accordance with G.S. 120-121 from counties participating in the Zone."

--PRIVATE PROTECTIVE SERVICES BOARD

SECTION 4.19. G.S. 74C-4(b) reads as rewritten:

"(b) The Board shall consist of ~~14~~ 16 members: the Attorney General or his designated representative, two persons appointed by the Attorney General, one person appointed by the Governor, ~~five~~ six persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and ~~five~~ six persons appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. All appointments by the General Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the positions filled by those appointments shall be filled pursuant to G.S. 120-122. One of those persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate and all ~~five~~ six persons appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be licensees under this Chapter; all other appointees may not be licensees of the Board nor licensed by the Board while serving as Board members. All persons appointed shall serve terms of three years. With the exception of the Attorney General or his designated representative, no person shall serve more than eight consecutive years on the Board, including years of service prior and subsequent to July 1, 1983. Board members may continue to serve until their successors have been appointed."

PART V. EFFECTIVE DATES AND HEADINGS

SECTION 5.1. The headings to the parts and sections of this act are a convenience to the reader and are for reference only.

SECTION 5.2. Unless otherwise provided for in this act, appointments are for terms to begin July 1, 2002.

SECTION 5.3. Unless otherwise provided for in this act, 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 10/3/02

S. B. No. 1283 Amendment No. 1

COMMITTEE SUBSTITUTE ✓ (to be filled in by Principal Clerk)

(Rep.) Sen.) michaux

1 moves to amend the bill on page 3, line 37

2 ( ) WHICH CHANGES THE TITLE

3 by deleting ~~"David Hoyle, Jr."~~ "Lawrence Talbot"

4 and substituting "David Hoyle, Jr." ; and

5

6 on page 14, lines 41-44, by deleting the lines; and

7

8 on page 15, line 32, by deleting "Lawrence

9 Talbot" and substituting "David Hoyle, Jr."; and

10

11 on page 15, line 35, by deleting "Mr. Talbot" and

12 substituting "Mr. Hoyle".

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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

10-3-02
AA
ALL NV

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 1203 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Michaux
)
Sen.)

moves to amend the bill on page 7, line 35

( ) WHICH CHANGES THE TITLE

by REWRITING the line to read:

"by the GOVERNOR, ~~three~~ ~~two~~ of which ~~members~~ shall be either a licensed FUNERAL DIRECTOR OR a FUNERAL SERVICE licensee."

AND ON page 7, line 38 by adding at the end of that line the following:

"two of which ~~members~~ shall be either a licensed FUNERAL DIRECTOR OR a FUNERAL SERVICE licensee."

AND ON page 7, line 41 by REWRITING the line to read:

"the SENATE, three of which ~~members~~ shall be either a licensed FUNERAL DIRECTOR OR a FUNERAL SERVICE licensee," AND

ON page 7, lines 42-44 by REWRITING the lines to read:

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

10-3-03 tb clerk

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 1283 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____ Page 2 of 2

Rep.)
) _____
Sen.)

1 moves to amend the bill on page _____, line _____
2 ( ) WHICH CHANGES THE TITLE
3 by _____
4 "The public members of the Board may Neither
5 be a licensed under this Article or employed
6 by a person who is." To"
7
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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

10-3-02
lb
clerk

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 1283 Amendment No. 3
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Justus

moves to amend the bill on page 24, line 12

( ) WHICH CHANGES THE TITLE

by deleting ~~the phrase~~ "One member" and substituting "~~One member~~ Two members"; and

on page 24, line 21, by deleting the phrase "~~One member~~ Two members" and substituting "One member".

SIGNED Barry F. Justus

ADOPTED ✓ FAILED _____ TABLED _____

10-03-02

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

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

☒ Committee Substitute for

S.B. 1283 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VAFRIOUS CHANGES TO THE APPOINTMENTS TO BOARDS AND COMMISSIONS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill, ☒ which changes the title, unfavorable as to the 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 98*

Children & Human Resources Committee Substitute Adopted 3/19/01
Third Edition Engrossed 3/21/01

Short Title: Meeting the Needs of Students with Disabilities. (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is established the Commission on Students With Disabilities. The Commission shall consist of 18 members, appointed as follows:

(1) Seven persons appointed by the Speaker of the House of Representatives, four of whom shall be members of the House of Representatives, and three of whom shall be public members.

(2) Seven persons appointed by the President Pro Tempore of the Senate, four of whom shall be members of the Senate, and three of whom shall be public members.

(3) Four persons appointed by the Governor.

Each appointing authority shall assure insofar as possible that its appointees to the Commission reflect the composition of the North Carolina population with regard to ethnic, racial, age, and gender composition.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each designate a cochair of the Commission. The Commission shall meet upon the call of the cochairs. A quorum of the Commission is 10 members. While in the discharge of its official duties, the Commission has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 1.(b) The Commission shall study the following issues:

(1) The numbers of children receiving or needing services and the cost of educating students in State residential institutions compared to community-based programs.

(2) The effect of testing students with disabilities for accountability purposes versus the federal mandate for inclusion of these students in testing.

(3) The effect of the possible tension between the State's preference for safe schools and the federal preference for keeping students with disabilities in school if the discipline problem is related to their disability.

(4) The extent to which the frequency of expulsion or suspension of students with disabilities has increased in the past five years, and the extent to whether there is an increase of these disciplinary actions around the time of year when end-of-grade or end-of-course tests are administered.

(5) The financial cost of increasing the current funding cap of twelve and one-half percent (12.5%) to thirteen percent (13%) or thirteen and one-half percent (13.5%).

(6) Determination of whether special education services are being distributed equitably statewide (spending between rural and urban schools, rich and poor school districts).

(7) Determination of whether the State Board of Education has a neutral and clear appeal process for the exit exam, and how that process is working for students with disabilities.

(8) Determination of whether the State Board of Education has made the alternative assessment portfolio available to all students whose Individual Education Plan (IEP) or Section 504 Plan documents the need.

(9) The severity of the problems with training, recruiting, and retaining special education teachers.

(10) The State law regarding time limits in resolving disputes involving the educational placement of students with disabilities.

(11) Any other issue the Commission determines is appropriate.

SECTION 1.(c) Upon approval of the Legislative Services Commission, the Legislative Services Officer shall assign appropriate professional staff from the Legislative Services Office of the General Assembly to assist with the study. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission. The Commission may contract for professional or consultant services as provided under G.S. 120-32.02 to assist with the study under subdivision (b)(1) of this section.

SECTION 1.(d) The Commission may make an interim report to the 2001 General Assembly, Regular Session 2002, upon its convening, and shall make its final report to the 2003 General Assembly upon its convening, and to the Governor. Upon submitting its final report, the Commission shall expire.

SECTION 2. G.S. 115C-105.35 reads as rewritten:

"**§ 115C-105.35. Annual performance goals.**

The School-Based Management and Accountability Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold schools accountable for the educational growth of their ~~students.~~ students, including students with disabilities. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each school in the State in order to measure the growth in performance of the students in each individual school. "

SECTION 3. G.S. 115C-12(9) reads as rewritten:

"(9) Miscellaneous Powers and Duties. – All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

a. To certify and regulate the grade and salary of teachers and other school employees.

b. To adopt and supply textbooks.

c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to

improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance. This assessment shall include disaggregated data on students, including those with disabilities.

c2. Repealed by Session Laws 1995 (Regular Session, 1996), c. 716, s. 1.

c3. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by ~~March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter.~~ October 15 each year. Each report shall be based on building-level data for the prior school year.

c4. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.

d. To formulate rules and regulations for the enforcement of the compulsory attendance law.

e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

SECTION 4. The State Board of Education shall post on its web site information regarding the education of students with disabilities. This web page shall include information about the ABCs, testing procedures, testing results, accommodations, complaint procedures, and procedures regarding reviews. The web page shall be easily accessible to parents and updated as often as necessary to keep the information current.

SECTION 5. The State Board of Education shall collect information to document how local school administrative units are funding the provision of special education to more students with disabilities than are covered by the State funding cap of twelve and one-half percent (12.5%).

SECTION 6. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission on Students with Disabilities established in Section 1 of this act.

SECTION 7. Sections 1 and 6 of this act become effective July 1, 2001. Section 3 of this act becomes effective July 1, 2002. The remainder of this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 98

Children & Human Resources Committee Substitute Adopted 3/19/01
Third Edition Engrossed 3/21/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S98-PCS8796-SW-93

Short Title: Studies Act of 2002. (Public)

Sponsors:

Referred to:

February 7, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND EXTEND VARIOUS STUDY COMMITTEES AND COMMISSIONS, AND TO AUTHORIZE OR DIRECT STATE AGENCIES AND LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2002".

PART II. LEGISLATIVE RESEARCH COMMISSION

SECTION 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2002 Regular Session of the 2001 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

(1) Government Regulatory Issues:
  a. Bringing charter schools under the Tort Claims Act for school bus accidents (Bonner)
  b. Naturopathy (H.B. 1091 – Hill)
  c. Alcoholic beverage laws, including special provisions relating to sports clubs (Smith)

(2) Transportation Issues:
  a. State ports (H.B. 1706 – McComas)
  b. Motorcycle safety (H.B. 107 – Baker; Gibson)

(3) Consumer Issues:
a. Internet spam (H.B. 1712 – Insko)
(4) Other:
a. Employer benefits, including retirement, early retirement, disability benefits (Nye)
b. Excluding airports from the public enterprise billing information privacy law (S.B. 1214 – Rand)
c. Earlier organization of the General Assembly to expedite session (H.B. 280 – Redwine)
d. Establishing Mounted Horse/Caisson Patrol Unit (Metcalf)

SECTION 2.1A. Study Issues Related to Criminal History Record Checks of Employees of Long-Term Care Providers (H.B. 1561 – Earle; S.B. 1264 – Harris, Rand) – The Legislative Research Commission may study how federal law affects the distribution of national criminal history record check information requested for nursing homes, home care agencies, adult care homes, assisted living facilities, and area mental health, developmental disabilities, and substance abuse services authorities, and the problems federal restrictions pose for effective and efficient implementation of State-required criminal record checks. The study may include the following:

(1) Ways in which national record checks may be obtained and reviewed for these facilities to effectuate State policies and protections of facility residents, and the advantages, disadvantages, and costs of various approaches to implementation.
(2) A review of ways in which national record checks are obtained by the Division of Child Development, Department of Health and Human Services, and other State agencies, and related costs to the State.
(3) Solutions adopted by other states to effectively and efficiently implement criminal record check requirements, including costs to the State in implementing these solutions.
(4) Other issues relevant to State requirements for criminal history record checks in long-term care facilities.

SECTION 2.1B. Study State Personnel System Statutes (Gibson) – The Legislative Research Commission may study Chapter 126 of the General Statutes, particularly the provisions relating to benefits enhancements, career status, exemptions, compensation, demonstration projects, and employee relations, to determine whether changes can be made to simplify and streamline the law to enable the State Personnel Commission to adopt policy and rules more effectively and efficiently.

SECTION 2.1C. Study Relationship Between Professions of Engineering and Landscape Architecture (Culpepper) – The Legislative Research Commission may study the relationship between the professions of engineering and landscape architecture.

The study shall include an examination of:

(1) The qualifications and education of landscape architects.
(2) The definition of landscape architecture in G.S. 89A-1(3).

(3) The areas of overlap or common practice regarding the scope of the professions of engineering and landscape architecture.

(4) The governance and procedures of the State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects in their respective roles in protecting the public health, safety, and welfare of the people of the State.

In considering appointees to the committee to study this matter, the appointing authorities shall consider inclusion of representatives of the following groups:

(1) The State Board of Landscape Architects.

(2) The State Board of Examiners for Engineers and Surveyors.

(3) The Consulting Engineers Council of North Carolina.

(4) The North Carolina Chapter of the American Society of Landscape Architects.

(5) The Professional Engineers of North Carolina, Inc.

(6) The North Carolina League of Landscape Architects.

(7) The academic community involved in instruction in the area of engineering and landscape architecture.

SECTION 2.1D. Study Revival of Notice of Settlement Act (Warwick) - The Legislative Research Commission may study issues related to the feasibility and desirability of providing a means of recording a notice document prior to a real estate closing that would establish at that time the priority of title documents recorded later in connection with that real estate closing. If this study is undertaken, the Commission shall examine, among other issues, the relationship between the use of notice documents that could fix, in advance of closing, the priority of title documents and the requirements imposed by Chapter 45A of the General Statutes, the Good Funds Settlement Act.

SECTION 2.1E. Study Ways to Decrease Homelessness (Reeves) –

(a) The Legislative Research Commission may study ways to decrease the number of persons experiencing homelessness in this State. For purposes of this section, "homelessness" means the condition of any person who lacks a sanitary and safe 24-hour residence and who has a primary nighttime residence that is a publicly or privately operated, supervised shelter designed to provide temporary living accommodations including, but not limited to, the following: welfare hotels, congregate shelters, transitional housing or a facility, institution, structure or dwelling that provides a temporary residence for an individual in need of custodial care and any public or private place not designed for, or ordinarily used as, regular living accommodations. If it undertakes this study, the Commission shall consider the following:

(1) How much in State resources will be necessary to support local communities in responding to recent federal Department of Housing and Urban Development mandates for continued eligibility to receive McKinney-Vento Homeless Assistance funding, including:

a. The creation of Homeless Management Information Systems, data collection on the homeless, including unduplicated counts

of the homeless, their use of services, and the effectiveness of local assistance systems by 2004.

b. Development and implementation of policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correctional programs and institutions) in order to prevent the discharge from immediately resulting in homelessness for persons.

c. Coordination and development of a 10-year plan to end chronic homelessness.

(2) Estimating the number of units required by geographic area to house homeless individuals and families, and the types of housing support systems required to ease or end homelessness for persons being discharged from correctional, mental health, substance abuse services, foster care, family income supports (TANF) and other institutions and systems.

(3) Identifying the number of housing units affordable to very low income and extremely low-income households according to the definition of those households used by the federal Department of Housing and Urban Development.

(4) Identifying obstacles to affordable housing development, including development of supportive housing for homeless persons and persons with disabilities, in State law and policy, zoning practices, and local ordinances.

(5) The coordinated services necessary to a plan to end homelessness among individuals and families, including adult education, employment training and placement, family stabilization and reunification services, the Head Start program, child care and after-school services, substances abuse and mental health counseling and treatment, primary and preventive health care services, post-criminal justice rehabilitation and reintegration services, housing and rental assistance, transportation services, energy and conservation assistance, group adult foster care and other elder home care services and nutrition.

(b) If it undertakes this study, the Commission shall consult with the members of the North Carolina Interagency Council for Coordinating Homeless Programs.

SECTION 2.2. Committee Membership. – For each Legislative Research Commission committee created during the 2001-2003 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

SECTION 2.3. Reporting Date. – For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 2003 General Assembly.

SECTION 2.4. Funding. – From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART III. EXTEND THE 1898 WILMINGTON RACE RIOT COMMISSION (H.B. 1555 – Wright; Redwine, Ballantine)

SECTION 3.1. Section 17.1(c) of S.L. 2000-138 reads as rewritten:

"Section 17.1.(c) The Commission shall consist of 13 members, each of whom shall serve a ~~two-year~~ four-year term. Commission members shall be appointed on or before September 1, 2000, as follows:

(1) The President Pro Tempore of the Senate shall appoint three members.

(2) The Speaker of the House of Representatives shall appoint three members.

(3) The Governor shall appoint three public members, one of whom shall be a historian.

(4) The Mayor and City Council of the City of Wilmington shall appoint two members.

(5) The New Hanover County Commissioners shall appoint two members.

The Commission shall terminate on ~~December 31, 2002.~~December 31, 2004."

SECTION 3.2. Section 17.1(g) of S.L. 2000-138 reads as rewritten:

"Section 17.1.(g) The Commission's officers shall consist of two cochairs, a vice-chair, and other officers deemed necessary by the Commission to carry out the purposes of this Article. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall appoint the cochairs of the Commission. All other officers shall be elected by the Commission. All officers shall serve for ~~two-year~~four-year terms and shall serve until their successors are elected and qualified."

SECTION 3.3. Section 17.1(j) of S.L. 2000-138 reads as rewritten:

"Section 17.1.(j) The Commission may submit to the General Assembly an interim report of its findings and recommendations. The Commission shall submit to the General Assembly a final report of its findings and recommendations no later than ~~December 31, 2002.~~December 31, 2004. The final report may include suggestions for a permanent marker or memorial of the riot and whether to designate the event as a historic site."

PART IV. ESTABLISH ON-LINE VOTING COMMISSION STUDY (H.B. 1759 – Nesbitt)

SECTION 4.1. There is created an On-Line Voting Commission. The Commission shall be composed of 19 members. Twelve members shall be appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint four members, including at least one county board of elections member, with no more than three of the four affiliated with the same political party.

(2) The Speaker of the House of Representatives shall appoint four members, including at least one county elections director, with no more than three of the four affiliated with the same political party.

(3) The Governor shall appoint four members, including at least one county commissioner and at least one minority-party member of the State Board of Elections.

The Chair and the Executive Director of the State Board of Elections, the Executive Director of the Information Resources Management Commission, and the State Chief Information Officer shall be ex officio members. The State chairs of the three political parties whose nominees for Governor received the largest number of votes in the most recent general election for Governor shall be ex officio members. All members of the Commission, whether appointed or ex officio, shall be voting members.

SECTION 4.2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 4.3. The On-Line Voting Commission shall study the feasibility of establishing a system of voting on the Internet in North Carolina elections. The study shall include such aspects of the issue as the following:

(1) The state of technology with regard to on-line voting.

(2) The experience of other states and other jurisdictions in use of online voting.

(3) Comprehensibility of the process to the average voter.

(4) Any unevenness in accessibility to or comfort level with on-line voting among different types of voters, and strategies for overcoming any such "digital divide".

(5) Concerns of privacy and security.

(6) Cost.

SECTION 4.4. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the On-Line Voting Commission and may provide for additional staffing by the State Board of Elections, Office of the Attorney General, and the Institute of Government. With prior approval of the State Board of Elections, the On-Line Voting Commission may hold its meetings in the offices of the State Board. With the prior approval of the Legislative Services Commission, the On-Line Voting Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 4.5. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2003 General Assembly. The report shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 4.6. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.

(3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 4.7. All State departments and agencies, local boards of elections, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 4.8. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the On-Line Voting Commission.

PART V. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDIES

SECTION 5.1. Prescription Drug Access/Coordination (H.B. 1560 – Earle; S.B. 1199 – Carter) – The Department of Health and Human Services shall study ways the State can coordinate and facilitate public access to public and private free and discount prescription drug programs for senior citizens. In undertaking this study, the Department shall consider the coordination and facilitation methods being implemented by other states. On or before January 1, 2003, the Department shall report its findings and recommendations to the North Carolina Study Commission on Aging. The report shall include the following:

(1) A description of the various coordination and facilitation methods considered.

(2) A description of the coordination and facilitation methods of other states.

(3) A recommendation as to the best way to coordinate and facilitate access in this State, which shall include the reasons for the recommendation, a fiscal analysis of the cost of the recommendation, and whether any legislation is necessary to implement the recommendation.

SECTION 5.2. Group Health Insurance for Long-Term Care Staff Study with Department of Insurance (H.B. 1559 – Earle; S.B. 1196 – Swindell) - The Department of Health and Human Services, in consultation with the Department of Insurance, shall study ways to establish a group health insurance purchasing arrangement for staff, including paraprofessionals, in residential and nonresidential long-term care facilities and agencies, as described in Recommendation #22 of the Institute of Medicine's (IOM) Long-Term Care Task Force Final Report of January 2001. The Department shall report its findings and recommendations to the North Carolina Study Commission on Aging on or before January 1, 2003.

PART VI. LEGISLATIVE STUDY COMMISSION ON COMPANION ANIMALS (Culpepper, Hagan)

SECTION 6.1. There is created the Legislative Study Commission on Companion Animals. The purpose of the Commission is to review the laws regarding the treatment of companion animals

SECTION 6.2. The Commission shall consist of 16 members as follows:

(1) Two members appointed by the President Pro Tempore of the Senate.

(2) Two members appointed by the Speaker of the House of Representatives.

(3) The following persons, appointed by the President Pro Tempore of the Senate:
- (a) An employee of an animal shelter.
- (b) A local governmental official interested in the welfare of companion animals.
- (c) Two persons who are companion animal advocates.
- (d) A representative of the North Carolina Veterinary Medical Association.
- (e) A small animal veterinary practitioner.

(4) The following persons, appointed by the Speaker of the House of Representatives:
- (a) An employee of an animal shelter.
- (b) A local governmental official interested in the welfare of companion animals.
- (c) Two persons who are companion animal advocates.
- (d) A representative of the State Veterinarian's Office.
- (e) A member of the North Carolina Department of Health Veterinary Office.

SECTION 6.3. The President Pro Tempore shall designate one Senator as cochair, and the Speaker shall designate one Representative as cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 6.4. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

SECTION 6.5. In conducting the study, the Commission shall consider the following:

(1) The operation of public and private animal shelters, including the conditions of shelters, size, staff, budgets, euthanasia processes and procedures, and public and private adoption programs.

(2) Ways to reduce the unwanted companion animal population through spay-neuter programs, including an analysis of current programs, ways to increase the effectiveness of programs, and the cost savings associated with reducing the companion animal population through these programs.

(3) Minimum standards and responsibilities required of companion animal owners.

(4) The need and feasibility of licensing commercial breeders and kennel operators.

SECTION 6.6. The Commission may make an interim report to the 2003 General Assembly not later than its convening, and shall make its final report to the 2004 Regular Session of the 2003 General Assembly upon its convening. The Commission shall terminate the earlier of the filing its final report or upon the convening of the 2004 Regular Session of the 2003 General Assembly.

SECTION 6.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART VII. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEST ENGINEERING PRACTICES PILOT PROGRAM (Gibson)

SECTION 7.1. The Department of Environment and Natural Resources shall develop a pilot program to evaluate the use of best engineering practices to improve the control of erosion and sedimentation and to reduce other forms of water pollution. The Department shall select up to nine sites for participation in the pilot program that represent the geographic, topographic, and soil diversity of the State. Three of the sites shall be located east of Interstate 95, three shall be located between Interstate 95 and Interstate 77, and three shall be located west of Interstate 77. The Department shall consult with the Environmental Review Commission before selecting sites for participation in the pilot program. The pilot program shall begin no later than January 1, 2003, and terminate on January 1, 2004.

SECTION 7.2. The Department shall submit an interim report on the development and implementation of the pilot program to the Environmental Review Commission no later than September 1, 2003. The Department shall submit a final report on the development and implementation of the pilot program, including its findings and recommendations, to the Environmental Review Commission no later than March 1, 2004.

PART VIII. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES

SECTION 8.1. The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2003 General Assembly.

SECTION 8.2. Recruitment and Retention of Teaching Personnel (H.B. 1715 - Yongue) - The Committee may study issues regarding the recruitment and retention of teaching personnel in the public schools. If it undertakes this study, the Committee shall recommend ways to remove barriers and improve the ability of Local Education Agencies to recruit quality teachers, retain teachers currently employed by the LEAs, and attract second career teachers to positions in the public schools. Issues that may be addressed in this study include the following:

(a) Enhancing or weighting the current salary schedule to increase the salary for first year teachers.

(b) Granting licensure reciprocity to teachers who have been tested and licensed in other states.
(c) Developing alternative licensure opportunities to attract second career teachers.
(d) Providing tuition support for alternative licensure candidates.
(e) Providing training for alternative licensure candidates through the community college system.
(f) Processing initial licensure requests at the local level.
(g) Expanding teacher-training programs in the State in order to produce more teachers.
(h) Strategies for expanding the pool of qualified teachers.
(i) Using recruitment and retention incentives to attract and retain high-quality teachers, especially in low-performing schools and in fields of certification in which there are shortages of teachers.

SECTION 8.3. Local Flexibility for School Systems (H.B. 1757 – Yongue) – The Committee may study the issue of whether local boards of education have the fiscal and administrative flexibility they need to operate the public schools efficiently and effectively. In the course of its study, the Committee shall consider current constraints on school boards with regard to expenditures of State funds and purchases of supplies, textbooks, and other goods and services.

PART IX. REVENUE LAWS STUDY COMMITTEE

SECTION 9.1. The Revenue Laws Study Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2003 General Assembly.

SECTION 9.2. Sales Tax on Construction Materials (H.B. 1717 – Crawford of Granville) – The Committee may study how the sales and use tax should be applied to asphalt and cement used in the performance of contracts.

SECTION 9.3. Mobile Home Property Tax Collection – The Committee may study issues related to county collection of property taxes on mobile homes.

PART X. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE

SECTION 10.1. The Joint Legislative Health Care Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2003 General Assembly.

SECTION 10.2. Health Care Profession Licensing Boards - The Committee may study the feasibility of establishing a uniform appointments process for licensing boards that regulate health care professionals under Chapter 90 of the General Statutes for the purpose of insuring that appointments to each health care licensing board includes representatives of all licensees of the respective board.

PART XI. LEGISLATIVE STUDY COMMISSION ON THE HORACE WILLIAMS AIRPORT

SECTION 11.1 Commission Established. – There is established a Legislative Study Commission on the Horace Williams Airport.

SECTION 11.2. Membership. – The Commission shall be composed of 6 members as follows:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Three members of the Senate appointed by the President Pro Tempore of the Senate.

SECTION 11.3. Duties of the Commission. – The Commission shall study the utility of maintaining the operation of the Horace Williams Airport in Chapel Hill, taking into consideration issues of safety, access, and expense of operation.

SECTION 11.4. Vacancies. – A vacancy shall be filled by the officer who made the original appointment.

SECTION 11.5. Cochairs. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall designate cochairs of the Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be four members.

SECTION 11.6. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

SECTION 11.7. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses related to the clerical employees shall be borne by the Commission.

SECTION 11.8. Consultants. – The Commission may employ consultants to assist with the study as provided in G.S. 120-32.02. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 11.9. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 11.10. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building.

SECTION 11.11. Report. – The Commission shall submit a final report of its findings and recommendations to the 2003 General Assembly on or before its convening. Upon the earlier of the filing of its final report or the convening of the 2003 General Assembly, the Commission shall terminate.

SECTION 11.12. Funds – Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART XII. LEGISLATIVE STUDY COMMISSION ON THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM (Kerr, Reeves; Black, Baddour, Redwine)

SECTION 12.1. There is established the Legislative Study Commission on the Teachers' and State Employees' Retirement System. The Commission shall study the Teachers' and State Employees' Retirement System, including establishing early retirement for State employees, the accumulation of vacation benefits as it relates to those who work eight-hour shifts and those who work 12-hour shifts, and other issues relating to solvency, benefits, or the financial health of the retirement system.

SECTION 12.2. The Commission shall consist of 7 members appointed as follows:

(1) Two members appointed by the President Pro Tempore of the Senate; one shall be a member of the Senate at the time of appointment; the second individual shall be a retired State employee.

(2) Two members appointed by the Speaker of the House of Representatives; one shall be a member of the House of Representatives at the time of appointment; the second individual shall be a State employee.

(3) The President of the State Employees Association of North Carolina, Inc.

(4) The State Treasurer, or the Treasurer's designee.

(5) The President of the North Carolina Association of Educators.

SECTION 12.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 12.4. The Commission may employ an outside consultant with expertise in the area of public sector retirement to assist the Commission in its work pursuant to the procedure set forth G.S. 120-32.02. The consultant shall not be a State employee or a person currently under contract with the State to provide services. If necessary, the Commission may hire other employees as provided in G.S. 120-32.02.

SECTION 12.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 12.6. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2003 General Assembly. All reports shall be filed with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 12.7. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

SECTION 12.8. All State departments and agencies shall cooperate with the Study Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 12.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XIII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES

SECTION 13.1. The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2003 General Assembly.

SECTION 13.2. I-95 Tolls (J. Crawford) - The Committee may study the feasibility of tolls on Interstate 95 from the South Carolina to Virginia borders.

PART XIV. STATE DISABILITY INCOME PLAN STUDY COMMISSION.

SECTION 14.1. There is established a State Disability Income Plan Study Commission.

SECTION 14.2. The Commission shall be comprised of seven members as follows:

(1) Two persons appointed by the President Pro Tempore of the Senate. One of these appointees shall be a State employee.

(2) Two persons appointed by the Speaker of the House of Representatives. One of these appointees shall be a State employee.

(3) The State Treasurer or the Treasurer's designee.

(4) The Executive Administrator of the Teachers' and State Employees' Comprehensive Major Medical Plan.

(5) The President of the North Carolina Association of Educators or the President's designee.

Any vacancy shall be filled by the officer who made the original appointment.

SECTION 14.3. The Commission shall study the plan design, funding, and administration of the Disability Income Plan of North Carolina established pursuant to Article 6 of Chapter 135 of the General Statutes to determine what changes, if any, should be made to the Plan. The Commission shall consider what changes could be made to the Plan that would enhance the efficiency of and reduce the cost of the Plan to the State and its employees.

SECTION 14.4. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall designate cochairs of the Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. Members of the Commission shall receive per diem, subsistence, and travel allowance in accordance with G.S. 120-3.1, G.S. 138-5, or G.S.138-6, as appropriate. The Commission, while in the discharge of official duties, may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission shall terminate the earlier of the delivery of its final report or December 31, 2003.

SECTION 14.5. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building.

SECTION 14.6. The Commission shall employ an actuary with expertise in the area of disability income insurance to assist the Commission in its work pursuant to the procedure set forth G.S. 120-32.02. This actuary shall not be a State employee or a person currently under contract with the State to provide services. If necessary, the Commission may hire other employees as provided in G.S. 120-32.02.

SECTION 14.7. The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

SECTION 14.8. The Commission shall submit a report of the results of its study, including any legislative recommendations, to the General Assembly not later than December 31, 2003.

SECTION 14.9. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART XV. ESTABLISH STATEWIDE EMERGENCY PREPAREDNESS STUDY COMMISSION (Carter)

SECTION 15.1 Commission Established. – There is established the Statewide Emergency Preparedness Study Commission.

SECTION 15.2. Membership. – The Commission membership shall be representative of the different geographical regions of the State and shall include members from rural areas of the State to the extent practicable. The Commission shall consist of 19 members as follows:

(1) The Governor shall appoint seven members: one representative of the Office of Emergency Medical Services, one practicing paramedic, one trauma center nurse, one trauma center finance or operations director, one representative of a law enforcement agency that is also an EMS first responder, one firefighter, and one representative of the State Emergency Medical Services Advisory Council.

(2) The President Pro Tempore of the Senate shall appoint six members: three members of the Senate, one trauma center surgeon, one state trauma system regional advisory committee (RAC) coordinator, and one air medical rescue worker.

(3) The Speaker of the House of Representatives shall appoint six members: three members of the House of Representatives, one representative of the North Carolina Medical Care Commission, one representative of the American College of Surgeons' Committee on Trauma, and one EMS administrator or educator.

SECTION 15.3. Duties. – The Commission shall study the delivery of emergency medical services in this State and shall:

(1) Examine the current funding of the State Trauma System, focusing on the financial needs of the System, and identifying funding options to meet those needs.

(2) Analyze impediments to the seamless delivery of care to trauma victims, including legal, administrative, logistical, and other barriers, and determine means of streamlining the delivery of improved and more efficient care.

(3) Examine ways of improving the quality and delivery of care to trauma and emergency victims in terms of transportation, equipment, education, and personnel needs, as well as the need for additional trauma centers and improved coordination of existing centers.

(4) Examine methods of improving North Carolina's readiness to handle trauma resulting from massive disasters.

(5) Any other matters related to the delivery of emergency medical services.

SECTION 15.4. Report. – The Commission shall submit a final written report of its findings and recommendations to the 2005 General Assembly and may submit progress reports to the 2003 General Assembly. The Commission may include in its progress reports or the final report its recommendations for meeting the financial needs of the Statewide Trauma System, as well as any recommendations for streamlining the delivery of care through regional trauma systems. The reports shall also include any legislative proposals necessary to implement those recommendations and an analysis of any fiscal impact of each recommendation. The Commission shall terminate upon filing its final report.

SECTION 15.5. Expenses of Members. – Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.

(3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 15.6. Cochairs; Meetings. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum. The Commission may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Legislative Services Commission shall provide adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 15.7. Staff. – With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission.

SECTION 15.8. Cooperation by Government Agencies. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance. All State departments and agencies, local governments, and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 15.9. Funding. – From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XVI. LEGISLATIVE STUDY COMMISSION ON SECURITIES FRAUD ENFORCEMENT LAWS (Rand)

WHEREAS, the recent wave of corporate fraud has harmed investors, employees and the economic condition of our State and nation; and

WHEREAS, federal investigations into financial fraud have implicated executives, consultants, attorneys, accountants, brokers, advisers, and others;

WHEREAS, accountability is a vital principle in both the public and the private sector;

WHEREAS, the State pension fund lost $100 million in the WorldCom scandal;

WHEREAS, the State Treasurer has demanded that companies that do business with the State place a top priority on ethics and accountability;

WHEREAS, those who invest their savings in the market are also investing their trust in others to treat their funds with honesty and integrity;

WHEREAS, current penalties for financial fraud are inconsistent with punishments for other for white-collar crimes; and

WHEREAS, the people of our State deserve far better than to lose their investments to fraudulent actions.

SECTION 16.1. There is established the Legislative Study Commission on Securities Fraud Enforcement Laws. The Commission shall study the State securities fraud enforcement laws and the provisions of Senate Bill 1455, 4th Edition, Strengthen Securities Fraud Enforcement Laws, introduced in the 2002 Session of the 2001 General Assembly.

SECTION 16.2. The Commission shall consist of 11 members appointed as follows:

(1) Three members of the Senate appointed by the President Pro Tempore of the Senate.

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(3) Two persons from the Securities Division of the Office of the Secretary of State appointed by the Speaker of the House of Representatives.

(4) One member of the North Carolina Bar Association appointed by the Speaker of the House of Representatives.

(5) One member of the Trial Lawyers Association appointed by the President Pro Tempore of the Senate.

(6) One member of the Securities Industry Association appointed by the President Pro Tempore of the Senate.

SECTION 16.3. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Study Commission from their appointees.

SECTION 16.4. The Commission may hire consultants or other employees to assist it in its work as provided in G.S. 120-32.02.

SECTION 16.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. With the prior approval of the Legislative Services Commission, the Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 16.6. The Commission shall submit a final written report of its findings and recommendations on or before March 15, 2003. All reports shall be filed with the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 16.7. Members of the Study Commission shall recieve per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6,as appropriate.

SECTION 16.8. All State departments and agencies shall cooperate with the Commission and, upon request, shall furnish to the Study Commission and its staff any information in their possession or available to them.

SECTION 16.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Study Commission.

PART XVII. DOT STUDY PLACING OF TOLLS ON I-95 (Shaw, Gulley of Durham)

SECTION 17.1. The Department of Transportation shall study the feasibility of charging a toll on I-95 and directing use of toll proceeds for expansion and maintenance of I-95.

SECTION 17.2. In considering whether a toll-road is feasible, the Department shall do all of the following:

(1) Evaluate the need to expand and maintain I-95.

(2) Estimate the costand benefits of charging a toll to expand or maintain I-95.

(3) Estimate the costs to establish, construct, purchase, maintain, equip, and operate any structure or facilities associated with a toll road.

(4) Estimate the schedule of tolls and fees that would be needed to generate sufficient revenue for expansion and maintenance of I-95.

(5) Evaluate impact of federal law on placement of tolls on I-95.

SECTION 17.3. The Department shall report its findings and recommendations, including any estimates of efficiencies and cost savings that may be produced, to the Joint Legislative Transportation Oversight Committee and the House of Representatives and Senate Appropriations Subcommittees on Transportation by March 1, 2003.

PART XVIII. GENERAL STATUTES COMMISSION STUDY

SECTION 18.1. (Clodfelter) The General Statutes Commission is directed to study and report to the 2003 General Assembly on the question of the personal representative's authority to take possession of and dispose of real property of an estate without an order of the court. The study shall include the issues included in the provisions of House Bill 716, Second Edition, of the 2001 General Assembly, and an examination of the application of G.S. 28A-15-1, G.S.28A-15-2, and G.S. 32-27(2). The report shall include any recommended legislation necessary to implement the Commission's recommendations.

SECTION 18.2. The General Statutes Commission may study and report to the 2003 General Assembly on the question of whether North Carolina should allow a method for the distribution of property coming to an estate after the estate is closed without the necessity of reopening the estate. As part of the study, the Commission may consider, among other things, the deed of distribution concept used in South Carolina as codified in the South Carolina General Statutes, Section 62-3-907 et. seq. and other related statutes. The Commission may also consider recent statewide situations that have arisen from payments to closed estates arising from the Bailey and Smith/Shaver cases, and payments made to tobacco producers and allotment holders under Phase II of the Tobacco Master Settlement Agreement. The Commission may consult with the Estate Law Section of the North Carolina Bar Association and the Administrative Office of the Courts, in addition to any other interested persons. The report may include any recommended legislation necessary to implement the Commission's recommendations.

PART XIX. HOUSE SELECT STUDY COMMITTEE ON VIDEO GAMING MACHINES

SECTION 19.1. Committee Established. – There is established the House Select Study Committee on Video Gaming Machines, hereafter referred to in this Part as the "House Select Committee."

SECTION 19.2. Membership. – The Speaker of the House of Representatives shall appoint 11 members of the House of Representatives to serve as members of the House Select Study Committee. In the event a vacancy occurs on the House Select Committee, the Speaker of the House of Representatives shall appoint a replacement from the members of the House of Representatives.

SECTION 19.3. Duties. – The House Select Committee shall study:

(1) The federal and State regulation of video gaming machines.

(2) The problems associated with the operation of video gaming machines in the State of North Carolina, including the issues of illegal cash payouts, illegally programmed video gaming machines, and money laundering.

(3) The difficulties associated with the enforcement of the video gaming laws of the State of North Carolina.

(4) The most appropriate law enforcement agency, such as the sheriff, the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety, or other law enforcement agency, to enforce the video gaming laws of the State of North Carolina.

(5) The effect of the decision in Helton v. Good, 208 F.Supp. 2d 597 (W.D.N.C), on the video gaming laws of the State of North Carolina.

(6) The potential impact that a ban on video gaming machines would have on the casino operations of the Eastern Band of the Cherokee Indians.

(7) The feasibility of levying a fee on video gaming machines and using the revenue to enforce the current video gaming laws of the State of North Carolina.

SECTION 19.4. Report. – The House Select Committee shall report its findings and recommendations, including any proposed legislation, no later than the convening of the 2003 General Assembly by filing a report with the House Principal Clerk and the Legislative Library. The House Select Committee on Video Gaming Machines shall terminate upon the filing of its report.

SECTION 19.5. Powers. – The House Select Committee, while in the discharge of its official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4.

SECTION 19.6. Cochairs; Meetings. – The Speaker of the House of Representatives shall designate two cochairs of the House Select Committee from among the respective appointees. The House Select Committee shall meet upon the call of the cochairs. A majority of the members of the House Select Committee shall constitute a quorum.

The House Select Committee may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives. The Legislative Services Commission shall grant adequate meeting space to the House Select Committee in the State Legislative Building or the Legislative Office Building.

SECTION 19.7. Expenses of Members. – Members of the House Select Study Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1.

SECTION 19.8. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the House Select Study Committee in its work. The House of Representatives' Supervisor of Clerks shall assign clerical staff to the House Select Study Committee.

SECTION 19.9. Funding. – The expenses incurred in the operation of the House Select Study Committee shall be paid from funds appropriated for the operation of the North Carolina House Representatives as authorized by the Speaker of the House of Representatives under G.S. 120-35.

PART XX. BILL AND RESOLUTION REFERENCES

SECTION 20.1. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART XXI. EFFECTIVE DATE AND APPLICABILITY

SECTION 21.1. Except as otherwise specifically provided, this act is effective when it becomes law. If a study is authorized both in this act and the Current Operations Appropriations Act of 2002, the study shall be implemented in accordance with the Current Operations Appropriations Act of 2002 as ratified.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 98

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S98-ASB-74 [v.1]

Date October 3 ,2002

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

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moves to amend the bill on page 18, lines 33 through 37,
by rewriting those lines to read:

"**SECTION 19.2.** Membership. – The Speaker of the House of Representatives shall appoint 15 members to serve as members of the House Select Study Committee; 11 members of the House of Representatives and four public members. In the event that a vacancy occurs on the House Select Committee, the Speaker of the House of Representatives shall appoint a replacement." and

on page 19, lines 30 through 32.
by rewriting those lines to read:

"**SECTION 19.7.** Expenses of Members. – Members of the House Select Study Committee shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 98

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S98-ASB-74 [v.1]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 98

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S98-ARW-67 [v.2]

SECTION 20.4. The President Pro Tempore shall designate one Senator as cochair, and the Speaker shall designate one Representative as cochair. Vacancies on the Commission shall be filled by the same appointing authority as made the initial appointment.

SECTION 20.5. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

SECTION 20.6. The Commission shall make its final report to the 2003 General Assembly upon its convening.

SECTION 20.7. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission." and

by renumbering the subsequent Parts and Sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 98

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S98-ARW-67 [v.2]

Date _____,2002

Comm. Sub. [YES]
Amends Title [NO]

Rep. Gibson

moves to amend the bill on page 19, between. lines 40 and 41, by inserting between those lines:

"PART XX. LEGISLATIVE REGIONAL ECONOMIC DEVELOPMENT COMMISSION REPORTING REQUIREMENTS STUDY COMMISSION

SECTION 20.1. Commission Established. – There is established a Legislative Regional Economic Development Commission Reporting Requirements Study Commission.

SECTION 20.2. Membership. – The Commission shall be composed of 18 members as follows:

(1) The Executive Director or President of each of the seven Regional Economic Development Commissions of the State appointed by the Speaker of the House of Representatives.

(2) Two members of the House Appropriations Subcommittee on Natural and Economic Resources appointed by the Speaker of the House of Representatives.

(3) The Chairman of the Board of each of the seven Regional Economic Development Commissions of the State appointed by the President Pro Tempore of the Senate.

(4) Two members of the Senate Appropriations Subcommittee on Natural and Economic Resources appointed by the President Pro Tempore of the Senate.

SECTION 20.3. Duties of the Commission. – The Commission shall study the current reporting requirements applicable to the seven Regional Economic Development Commissions of the State.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 98 _____ Amendment No. 3
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) Thompson
Sen.)

moves to amend the bill on page 2, line 10-11

( ) WHICH CHANGES THE TITLE

by adding the following between those lines

11 e. Jail Safety Standards (H.B. 1479-Thompson)

and on ~~line~~ page 7, line 37 by adding the word "Allred" before the word "Culpepper".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 98 A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to the House committee substitute bill, ☒ which changes the title, unfavorable as to the 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)

5/13/02

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE JOINT RESOLUTION 1478

Sponsors: Senator Rand.

Referred to: Rules and Operations of the Senate.

October 1, 2002

A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE GENERAL ASSEMBLY.

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

SECTION 1. At 4:00 P.M. on Thursday, October 3, 2002, the Senate and the House of Representatives, constituting the 2001 Session of the General Assembly, do stand adjourned sine die.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE JOINT RESOLUTION 1478

House Committee Substitute Favorable 10/4/02

Sponsors:

Referred to:

October 1, 2002

A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE REGULAR SESSION OF THE GENERAL ASSEMBLY.

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

SECTION 1. When the Senate and the House of Representatives, constituting the 2001 Session of the General Assembly, adjourn on Thursday, October 3, 2002, they stand adjourned sine die.

SECTION 2. This resolution is effective upon ratification.

2002 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.J.R. 1478 A JOINT RESOLUTION PROVIDING FOR ADJOURMENT 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 the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute resolution, unfavorable to Senate joint resolution.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

5/13/02

Box Contents

2001-02 Standing Committee Minutes (Item 25894)

Box 18

1. 2001 House Rules
2. 2001 House Rules Lottery Hearing, Oct. 1
3. 2001 House Science & Technology
4. 2001 House State Government
5. 2002 House State Government
6. 2001 House State Personnel
7. 2001 House Transportation
8. 2002 House Transportation
9. 2001 House Travel & Tourism
10. 2001 House UNC Board of Governors
11. 2001-02 House Ways & Means
12. 2001-02 House Wildlife Resources

2001

HOUSE RULES

MINUTES

NORTH CAROLINA GENERAL ASSEMBLY

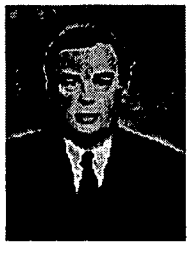
RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
2001 – 2002 SESSION

Rep. Culpepper
Chair

Rep. Hackney
Vice-Chair

Rep. Allen

Rep. Allred



Rep. Barefoot

Rep. Barnhart

Rep. Boyd-McIntyre

Rep. Buchanan

Rep. Crawford

Rep. Culp

Rep. Cunningham

Rep. Fitch

Rep. Gibson

Rep. Gulley

Rep. Hill

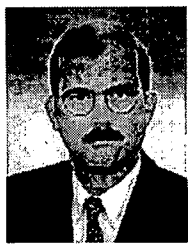
Rep. Jarrell

Rep. Justus

NORTH CAROLINA GENERAL ASSEMBLY

RULES, CALENDAR, AND OPERATIONS OF THE HOUSE
2001 – 2002 SESSION

Rep. Luebke


Rep. McComas

Rep. McCombs

Rep. McMahan

Rep. Michaux

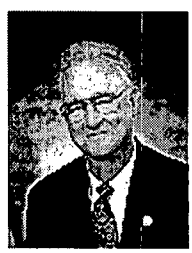
Rep. Morgan

Rep. Rogers

Rep. Setzer

Rep. Sherrill

Rep. Thompson


Rep. Yongue

ATTENDANCE

HOUSE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

2001-2002

DATES	2/6	2/14	2/20	2/28	3/7	3/29	4/05	4/10	4/12	4/19	4/24	4/25	4/30	5/3	5/10
Culpepper, Bill, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hackney, Joe, Vice Chairman	✓			✓	✓	✓	✓		✓	✓	✓				
Allen, Gordon	✓	✓	✓		✓	✓			✓		✓	✓		✓	
Allred, Cary D.	✓			✓	✓		✓			✓	✓	✓		✓	✓
Barefoot, Daniel W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Barnhart, Jeff		✓	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓
Boyd-McIntyre, Flossie			✓	✓		✓					✓		✓		✓
Buchanan, Charles F.		✓		✓	✓	✓	✓		✓	✓				✓	
Crawford, James W. Jr.	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓		✓	✓
Culp, Arlie F.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fitch, Milton F., Jr.	✓											✓			
Gibson, Pryor	✓	✓	✓				✓				✓	✓			
Gulley, Jim	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Hill, Dewey L.				✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Jarrell, Mary L.	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓
Justus, Larry	✓		✓	✓	✓		✓	✓	✓	✓	✓		✓		
Luebke, Paul	✓			✓			✓	✓	✓	✓	✓				
McComas, Daniel F.	✓	✓	✓		✓	✓	✓			✓					
McCombs, Eugene	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
McMahan, W. Edwin	✓		✓	✓	✓		✓		✓	✓					
Michaux, H. M., Jr.	✓				✓					✓					
Morgan, Richard			✓												
Rogers, R. Eugene	✓	✓	✓			✓				✓	✓		✓	✓	
Setzer, Mitchell Smith					✓			✓			✓	✓		✓	
Sherrill, Wilma M.	✓	✓	✓	✓	✓	✓	✓				✓	✓		✓	
Thompson, Gregory J.			✓	✓	✓	✓	✓		•	✓	✓				✓
Yongue, Douglas Y.	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Ex Officio Members	1/6	2/14	2/20	2/28	3/7	3/29	4/05	4/10	4/12	4/19	4/24	4/25	4/30	5/3	5/10
Baddour, Philip A. Jr., Majority Leader	✓														
Cunningham, W. Pete	✓														
Dedmon, Andrew Thomas, Majority Whip	✓														
Earle, Beverly M. Earle, Majority Whip	✓														

ATTENDANCE

HOUSE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

2001-2002

DATES	5/22	5/29	6/19	6/26	6/28	7/10	7/24	7/25	7/26	8/08	8/14	8/22	8/28	8/29	9/12
Culpepper, Bill, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hackney, Joe, Vice Chairman	✓		✓	✓								✓	✓	✓	✓
Allen, Gordon			✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		
Allred, Cary D.			✓				✓	✓	✓			✓	✓	✓	✓
Barefoot, Daniel W.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Barnhart, Jeff	✓			✓		✓		✓	✓			✓	✓	✓	✓
Boyd-McIntyre, Flossie				✓						✓		✓	✓	✓	✓
Buchanan, Charles F.	✓	✓		✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
Crawford, James W. Jr.	✓	✓	✓				✓	✓	✓			✓	✓	✓	✓
Culp, Arlie F.	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓
Fitch, Milton F., Jr.												✓			
Gibson, Pryor		✓	✓		✓			✓				✓	✓	✓	✓
Gulley, Jim	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓
Hill, Dewey L.	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Jarrell, Mary L.	✓	✓	✓				✓		✓			✓	✓	✓	
Justus, Larry	✓	✓	✓	✓		✓		✓	✓			✓	✓	✓	✓
Luebke, Paul	✓		✓	✓			✓	✓			✓		✓		
McComas, Daniel F.	✓	✓						✓	✓			✓	✓	✓	✓
McCombs, Eugene	✓	✓	✓	✓				✓	✓	✓	✓	✓	✓	✓	✓
McMahan, W. Edwin	✓	✓		✓	✓			✓				✓	✓		✓
Michaux, H. M., Jr.		✓										✓			✓
Morgan, Richard								✓				✓		✓	✓
Rogers, R. Eugene	✓	✓		✓				✓	✓			✓	✓	✓	✓
Setzer, Mitchell Smith		✓		✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Sherrill, Wilma M.	✓	✓	✓	✓		✓		✓	✓			✓	✓	✓	✓
Thompson, Gregory J.								✓	✓			✓	✓	✓	
Yongue, Douglas Y.	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓

Ex Officio Members	5/22	5/29	6/19	6/26	6/28	7/10	7/14	7/25	7/26	8/08	8/14	8/22	8/28	8/29	9/12
Baddour, Philip A. Jr., Majority Leader									✓				✓		
Cunningham, W. Pete													✓		✓
Dedmon, Andrew Thomas, Majority Whip												✓		✓	✓
Earle, Beverly M. Earle, Majority Whip															

ATTENDANCE

HOUSE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

/2001-2002

DATES	9/19	9/26	10/3	10/23	10/24	11/05	11/06	11/08	11/15	11/27	11/28	12/4	12/5	12/6	
Culpepper, Bill, Chairman	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Hackney, Joe, Vice Chairman	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	
Allen, Gordon		✓		✓		✓	✓		✓	✓	✓		✓		
Allred, Cary D.	✓		✓	✓	✓	✓	✓		✓	✓				✓	
Barefoot, Daniel W.	✓	✓	✓		✓	✓	✓			✓	✓	✓	✓	✓	
Barnhart, Jeff	✓			✓	✓			✓	✓					✓	
Boyd-McIntyre, Flossie		✓	✓	✓	✓		✓		✓			✓	✓	✓	
Buchanan, Charles F.		✓		✓	✓		✓			✓	✓		✓	✓	
Crawford, James W. Jr.	✓		✓	✓	✓	✓		✓		✓	✓			✓	
Culp, Arlie F.	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓			✓	
Fitch, Milton F., Jr.						✓		✓		✓			✓		
Gibson, Pryor		✓			✓	✓	✓	✓	✓	✓	✓		✓	✓	
Gulley, Jim	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	
Hill, Dewey L.	✓	✓	✓	✓	✓	✓	✓			✓	✓		✓	✓	
Jarrell, Mary L.	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓			✓	
Justus, Larry					✓	✓	✓	✓			✓		✓	✓	
Luebke, Paul				✓				✓	✓	✓			✓	✓	
McComas, Daniel F.	✓			✓			✓		✓	✓			✓		
McCombs, Eugene	✓			✓	✓	✓	✓	✓	✓	✓	✓			✓	
McMahan, W. Edwin	✓			✓	✓	✓	✓			✓		✓	✓		
Michaux, H. M., Jr.					✓	✓	✓	✓		✓					
Morgan, Richard	✓	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓	
Rogers, R. Eugene	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓		✓	
Setzer, Mitchell Smith	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓		
Sherrill, Wilma M.	✓	✓	✓	✓	✓		✓	✓	✓				✓	✓	
Thompson, Gregory J.		✓	✓	✓	✓		✓							✓	
Yongue, Douglas Y.	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

Ex Officio Members	9/19	9/26	10/3	10/23	10/24	11/05	11/06	11/15	11/27	11/28	12/4	12/5	12/6		
Baddour, Philip A. Jr., Majority Leader					✓		✓		✓				✓		
Cunningham, W. Pete	✓				✓		✓		✓			✓			
Dedmon, Andrew Thomas, Majority Whip					✓				✓						
Earle, Beverly M. Earle, Majority Whip					✓	✓	✓	✓	✓						

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0001	Owens	LOTTERY FOR EDUCATION/ INFRASTRUCTURE.	H	Ref To Com On Rules, Calendar, and Operations of the House	01-25-01	
$ H0002	**Owens**	**RECIPROCAL PREFERENCE FOR BIDS**	**H**	**Re-ref Com On State Government**	**01-25-01**	**02-20-01**
H0003	Owens	ENCOURAGE RECIPROCITY IN BIDDING PROCESS.	*HR	Ch. SL 2001-240	01-25-01	02-20-01
H0004	Hensley	LAW OFFICERS' 25-YEAR RETIREMENT.	H	Re-ref Com On Appropriations	01-25-01	02-20-01
H0005	Hensley	LAW ENFORCEMENT OFFICER DISCIPLINE	H	Ref To Com On Rules, Calendar, and Operations of the House	01-25-01	
H0006	Holmes	MERGE JONESVILLE AND ARLINGTON	*HR	Ch. SL 2001-16	01-25-01	02-20-01
H0007	Hill	AMEND WORTHLESS CHECK PROGRAM.	*HR	Ch. SL 2001-61	01-29-01	03-15-01
H0010	Sherrill	PRISON TELEPHONE SYSTEM.	H	Ref To Com On Rules, Calendar, and Operations of the House	01-29-01	
H0012	Justus	CONDEMNATION REIMBURSEMENT.	H	Ref To Com On Rules, Calendar, and Operations of the House	01-29-01	
H0013=	Sherrill	MOTOR VEHICLE REPAIRS.	*HR	Ch. SL 2001-451	01-29-01	02-20-01
H0014=	Jarrell	MUNICIPAL INCORPORATION POPULATION ESTIMATES.	H	Ref To Com On Ways and Means	01-29-01	02-20-01
0016	Smith	MOVE LEFT PASSING PULLED-OVER VEHICLE.	H	Re-ref Com On Rules, Calendar, and Operations of the House	01-30-01	03-28-01
H0016	Smith	MOVE LEFT PASSING PULLED-OVER VEHICLE.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04-18-01	
H0018	Arnold	PRIVATE SALE/FLOOD HOMES.	*HR	Ch. SL 2001-29	01-30-01	02-20-01
H0019	Smith	CERTAIN LOCAL GOVERNMENTS' CONDEMNATION.	*HR	Ch. SL 2001-36	01-30-01	02-20-01
H0020=	Sutton	CONTRACT AGENT RATE	H	Re-ref Com On Ways and Means	01-31-01	02-20-01
$ H0021=	**Sutton**	**COMMISSION CONTRACT AGENT STUDY.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**01-31-01**	
H0025=	Blust	REMOVE CAP ON CHARTER SCHOOLS.	H	Assigned To Education Subcommittee on Pre-School, Elementary and Secondary Education	02-01-01	04-11-01

'$' indicates the bill is an appropriation bill.
A bold line indicates the bill is an appropriation bill.
'*' indicates that the text of the original bill was changed by some action.
'=' indicates that the original bill is identical to another bill.

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0026=	Shubert	REMOVE CAP ON CHARTER SCHOOLS.	H	Assigned To Education Subcommittee on Pre-School, Elementary and Secondary Education	02-01-01	04-11-01
H0028=	Daughtry	UNLAWFUL TO IMPEDE A SCHOOL BUS.	H	Re-ref Com On Judiciary III	02-01-01	02-20-01
H0029=	Daughtry	LIFT CAP ON CHARTER SCHOOLS	H	Assigned To Education Subcommittee on Pre-School, Elementary and Secondary Education	02-01-01	04-11-01
H0030=	Nye	HMO PATIENT PROTECTION.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-01-01	
H0033=	Goodwin	PRESIDENTIAL ELECTORS BY DISTRICT.	H	Re-ref Com On Rules, Calendar, and Operations of the House	03-05-01	
H0035	Goodwin	REGIONAL PRIMARY.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-01-01	
H0041	Barefoot	SECURITIES TRANSFER ON DEATH.	*H	Re-ref Com On Commerce	02-01-01	02-20-01
H0045	Decker	GAS DRIVE AWAYS/ LICENSE SUSPENSION.	*H	Re-ref Com On Judiciary II	02-05-01	03-22-01
H0047	Bonner	FAIRMONT PRIVATE SALE.	HR	Ch. SL 2001-2	02-05-01	02-20-01
H0049	Culpepper	HOUSE RULES	*H	Adopted	02-05-01	02-07-01
H0051=	Gibson	HONORING FOUNDERS OF BISCOE	HF	Postponed Indefinitely	02-06-01	04-02-01
H0055	Daughtry	RONALD REAGAN DAY	HF	Postponed Indefinitely	02-07-01	04-02-01
H0056	Baker	NC COMPETITION INITIATIVE.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-07-01	
$ H0059	**Baker**	**STUDY D/C PENSION PLAN.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**02-07-01**	
H0060	Barefoot	HONORING GEORGE HENRY WHITE.	HR	Ch. Res 2001-35	02-07-01	02-21-01
H0062	McAllister	USE OF CELLULAR TELEPHONES.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-07-01	
H0063=	McAllister	CHILD BICYCLE SAFETY ACT.	*HR	Ch. SL 2001-268	02-07-01	02-20-01
H0064	Hunter	PRIVATE CORRECTIONAL OFFICERS.	H	Re-ref Com On Highway Safety	02-07-01	02-20-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				and Law Enforcement		
H0066=	Warner	EXPAND NC BUSINESS OPPORTUNITIES.	H	Re-ref Com On Economic Growth and Community Development	02-07-01	02-20-01
H0067=	Warner	LOCAL SALES TAX/ HARNETT AND CUMBERLAND.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-07-01	
H0071	West	CLAY CO. AMBULANCE SERVICE LIEN.	H	Ref To Com On Finance	02-08-01	02-20-01
H0074	Bowie	NO CELL PHONE USE WHILE DRIVING.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-08-01	
H0075	Haire	APPELLATE REPORTS TO CHEROKEE SUPREME COURT.	HR	Ch. SL 2001-280	02-08-01	02-20-01
H0076	Russell	PURPLE HEART MEMORIAL HIGHWAY.	*H	Ref To Com On Transportation	02-08-01	02-20-01
H0077	Fox	CERTAIN CITIES AND TOWNS ANNEXATIONS.	*HR	Ch. SL 2001-37	02-08-01	02-20-01
H0077	Fox	CERTAIN CITIES AND TOWNS ANNEXATIONS.	*HR	Ch. SL 2001-37	04-18-01	04-24-01
H0078	Tucker	GRANDPARENTS AS SUPERVISING DRIVERS.	HR	Ch. SL 2001-194	02-08-01	02-20-01
H0079	Tucker	STUDY COMMISSION ON EARLY RETIREMENT.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-19-01	
H0083=	Sutton	FOUR-YEAR GENERAL ASSEMBLY TERMS.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-08-01	
H0084=	Sutton	IMPLEMENT 4-YEAR TERMS.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-08-01	
H0085	Sutton	INDIAN CULTURAL CENTER AMENDMENT.	*HR	Ch. SL 2001-89	02-08-01	02-20-01
H0086	Sutton	RENNERT MAYOR.	HR	Ch. SL 2001-3	02-08-01	02-20-01
H0090	Sutton	GA COMPENSATION TIED TO STATE EMPLOYEES' COLA.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-12-01	
H0092=	Jeffus	INCREASE NONRESIDENT SEARCH FEE.	*H	Ref To Com On Finance	02-12-01	02-20-01
H0093	Goodwin	EXPAND CHILD ABUSE DEFINITION.	*H	Ref To Com On Judiciary II	02-12-01	02-20-01
H0093	Goodwin	EXPAND CHILD ABUSE DEFINITION.	*H	Ref To Com On Judiciary II	04-18-01	04-19-01
H0094	Owens	QUALITY ASSURANCE PROGRAM.	*H	Assigned To Appropriations Subcommittee on General Government	02-12-01	02-20-01

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H0095	Yongue	ROBESON COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-13-01	
H0096	Yongue	HOKE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-13-01	
H0097	Yongue	ROBESON COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-13-01	
H0098	Yongue	MOORE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-13-01	
H0099	Michaux	LOCAL TAX MENU WITH VOTER APPROVAL.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-13-01	
H0100=	Baddour	INVITING THE GOVERNOR	HF	Postponed Indefinitely	02-13-01	04-02-01
H0103	Yongue	SCOTLAND COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-14-01	
H0104	Yongue	SCOTLAND COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-14-01	
H0105	Nesbitt	BUNCOMBE COUNTY PRODUCT DEV. FUND.	*HR	Ch. SL 2001-162	02-14-01	02-20-01
H0107	Baker	MOTORCYCLE SAFETY ACT.	*H	Re-ref Com On Finance	02-14-01	02-20-01
H0108	Haire	COUNTIES COLL. DELINQ. TAXES BEFORE RECORD DEEDS	*HR	Ch. SL 2001-464	02-14-01	02-20-01
H0109=	Alexander	REIMBURSEMENT FOR MARRIAGE/FAMILY THERAPISTS.	HR	Ch. SL 2001-258	02-14-01	02-20-01
H0113	Tolson	DEVELOPMENT ZONE COMMISSION CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0116	Hill	COLUMBUS COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0117	Hill	COLUMBUS COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0118	Hill	BELVILLE DEANNEXATION	*HR	Ch. SL 2001-401	02-15-01	07-25-01
H0119	Hill	BRUNSWICK COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of	02-15-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				the House		
H0123	Russell	STUDY ARSON.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-24-01	
H0126	Rayfield	GASTON COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0127	Rayfield	GASTON COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0128	Edwards	HYDE COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0129	Edwards	BEAUFORT COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0130	Edwards	USE OF 911 FUNDS/ BEAUFORT.	*H	Re-ref Com On Public Utilities	02-15-01	05-14-01
H0131	Edwards	BEAUFORT COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0132	Edwards	HYDE COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0133	Edwards	HYDE COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0134	Edwards	BEAUFORT COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-15-01	
H0139	Womble	HONORING THE BUFFALO SOLDIERS	*HR	Ch. Res 2001-4	02-15-01	02-20-01
H0151	Owens	AMEND LEG. TUITION GRANTS.	H	Reptd To Education	02-19-01	02-20-01
H0153	Haire	MADISON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-19-01	
H0154	Haire	GRAHAM COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-19-01	
H0155	Haire	SWAIN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-19-01	
H0156	Haire	HAYWOOD COUNTY LOCAL	H	Ref To Com On	02-19-01	

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		ACT.		Rules, Calendar, and Operations of the House		
H0157	Haire	JACKSON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-19-01	
H0158	Hall	HOUSE DISTRICT 7 LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-19-01	
H0161=	Insko	LONG-TERM CARE LOCAL LEAD AGENCY.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-15-01	
H0171	Smith	ONSLOW COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-20-01	
H0172	Smith	CEDAR POINT NO-WAKE ZONE.	*HR	Ch. SL 2001-65	02-20-01	04-17-01
H0173	Smith	CARTERET COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-20-01	
H0174	Smith	ONSLOW COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-20-01	
H0185	Saunders	MECKLENBURG COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-21-01	
H0186	Saunders	MECKLENBURG COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-21-01	
H0187	Saunders	MECKLENBURG COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-21-01	
H0188=	Morris	FAIR ELECTION ACT.	H	Re-ref Com On Election Law and Campaign Finance Reform	02-21-01	04-11-01
H0194=	Baddour	MANAGED CARE PATIENTS' BILL OF RIGHTS.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-21-01	
H0199	Eddins	NO STATE FUNDS FOR JURY CONSULTANTS.	H	Assigned To Appropriations Subcommittee on Justice and Public Safety	02-22-01	04-17-01
H0201	Holmes	41ST HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar,	02-22-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				and Operations of the House		
H0202	Holmes	41ST HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0203	Holmes	41ST HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0209	Daughtry	JOHNSTON COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0210	Daughtry	JOHNSTON COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0211	Daughtry	JOHNSTON COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0221	Underhill	CRAVEN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0222	Underhill	PAMLICO COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-22-01	
H0229=	**Redwine**	**LRC STUDY INSURANCE AVAILABILITY BEACH AREAS.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**02-26-01**	
H0230	Gillespie	REVIEW OF LOW-WEALTH SCHOOL FUNDING FORMULA.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0231	Allen	BUDGET TECHNICAL CORRECTIONS.	*HR	Ch. SL 2001-513	10-03-01	11-15-01
H0233	Allen	22ND HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0234	Allen	22ND HOUSE DISTRICT LOCAL ACT-4.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0237	Walker	41ST HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0238	Walker	41ST HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	

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$ H0246=	**Earle**	**GUARDIANSHIP STUDY.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**02-26-01**	
H0247	Morris	HONORING PERSIAN GULF VETERANS.	*H	Ref To Com On Rules and Operations of the Senate	02-26-01	02-28-01
H0248=	Boyd-McIntyre	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-19-01	
H0249	Barnhart	TOWN OF MIDLAND LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0250	Barnhart	MIDLAND/LINDEN ANNEXATION/VALIDATION.	*HR	Ch. SL 2001-472	02-26-01	11-06-01
H0251	Barnhart	81ST HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0252	Barnhart	81ST HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-26-01	
H0260	Alexander	ELECTION LAWS REVISION.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04-16-01	
0263	Bowie	GUILFORD COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0264	Bowie	GUILFORD COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0265	Bowie	CITY OF GREENSBORO LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0266	Bowie	CITY OF GREENSBORO LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0267	Buchanan	46TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0268	Buchanan	46TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0269	Coates	ROWAN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar,	02-27-01	

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				and Operations of the House		
H0270=	Johnson	HONORING DALE EARNHARDT.	HR	Ch. Res 2001-23	02-27-01	07-10-01
H0271	Johnson	CABARRUS COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0272	Johnson	CABARRUS COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-27-01	
H0273=	Davis	HONORING TOWN OF ANGIER'S FOUNDERS.	*HR	Ch. Res 2001-3	02-27-01	02-28-01
H0279	Culpepper	MODIFY DARE TRANSFER TAX.	*H	Re-ref Com On Finance	02-27-01	04-23-01
H0279	Culpepper	MODIFY DARE TRANSFER TAX.	*H	Re-ref Com On Finance	05-09-01	05-30-01
H0280	Redwine	SESSION LENGTH LIMITS.	*H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	04-09-01
H0280	Redwine	SESSION LENGTH LIMITS.	*H	Ref To Com On Rules, Calendar, and Operations of the House	09-04-01	
H0281	Davis	19TH HOUSE DISTRICT LOCAL ACT-1.	H	Re-ref Com On Finance	02-28-01	04-04-01
H0282	Davis	19TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0283	Davis	19TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0284=	Davis	HARNETT LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
$ H0285	**Culp**	**YADKIN/PEE DEE LAKES PROJECT FUNDS.**	***H**	**Assigned To Appropriations Subcommittee on Natural and Economic Resources**	**02-28-01**	**05-07-01**
H0290=	Barnhart	MIDLAND CHARTER AMENDMENTS.	*HR	Ch. SL 2001-30	04-02-01	04-09-01
H0302	Shubert	UNION COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0303	Shubert	UNION COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0304	Shubert	34TH HOUSE DISTRICT	H	Ref To Com On	02-28-01	

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		LOCAL ACT-1.		Rules, Calendar, and Operations of the House		
H0305	Shubert	34TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0308	Gillespie	ENVIRONMENTAL MANAGEMENT COMMISSION MEMBERSHIP.	H	Re-ref Com On Environment and Natural Resources	02-28-01	04-11-01
H0309	Howard	74TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0310	Howard	74TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0315	Haire	STUDY OF JUVENILES WHO ESCAPE.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0318=	Pope	INDEPENDENT REDISTRICTING COMMISSION.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0319	Howard	74TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0321	**Coates**	**SALISBURY ANNEXATIONS.**	***HR**	**Ch. SL 2001-72**	**02-28-01**	**04-11-01**
H0322	Insko	MEDICAID INCOME LIMITS INCREASE.	H	Re-ref Com On Rules, Calendar, and Operations of the House	03-14-01	
H0323	Jarrell	CITY OF GREENSBORO LOCAL ACT 2.	H	Re-ref Com On Finance	02-28-01	10-15-01
H0324	Jarrell	CITY OF GREENSBORO LOCAL ACT 1.	H	Ref To Com On Rules, Calendar, and Operations of the House	02-28-01	
H0336=	Insko	PERSONS WITH DISABILITIES CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0337	Buchanan	LEGISLATORS' PER DIEM/ EXPENSES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0338=	Culpepper	TECHNICAL CORRECTION ACT.	*HR	Ch. SL 2001-487	03-01-01	04-24-01
$ H0339	**Wilson, C**	**STANDARDIZED CREDENTIALING/HEALTH CARE PRACTITIO**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**03-01-01**	
H0367	Crawford, J.	GRANVILLE COUNTY	H	Ref To Com On	03-01-01	

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		LOCAL ACT.		Rules, Calendar, and Operations of the House		
H0368	Crawford, J.	WELDON ANNEXATION REPEAL.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-01-01	06-20-01
H0368	Crawford, J.	WELDON ANNEXATION REPEAL.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	08-02-01	
H0369	Crawford, J.	VANCE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0370	Crawford, J.	FRANKLIN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0374	Culpepper	STATE BOXING COMMISSION.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-18-01	
H0376	Culpepper	INVITING CHIEF JUSTICE LAKE.	*HR	Ch. Res 2001-6	03-01-01	03-13-01
H0382	Russell	ADOPT STATE FRUIT AND BERRIES.	*HR	Ch. SL 2001-488	10-01-01	10-03-01
$ H0384=	**Nesbitt**	**LRC STUDY GOVERNMENT TORT CLAIMS.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**03-01-01**	
H0385=	Culpepper	CONSOLIDATE BUSINESS PROVISIONS.	*HR	Ch. SL 2001-358	03-15-01	04-02-01
H0400=	Haire	LRC STUDY WRONGFUL DEATH PROCEEDS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0402	Rogers	BERTIE COUNTY HUNTING.	*HR	Ch. SL 2001-367	03-01-01	04-18-01
H0403	Rogers	6TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0404	Rogers	6TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0406	Russell	GREENE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0407	Russell	WAYNE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0408	Russell	LENOIR COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar,	03-01-01	

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				and Operations of the House		
H0418	**Warwick**	**BEACH PRESERVATION & RESTORATION ACT.**	**H**	**Re-ref Com On Environment and Natural Resources**	**03-01-01**	**06-04-01**
H0419	Warwick	STUDY TOURISM INDUSTRY.	H	Re-ref Com On Rules, Calendar, and Operations of the House	03-01-01	06-04-01
H0419	Warwick	STUDY TOURISM INDUSTRY.	H	Re-ref Com On Rules, Calendar, and Operations of the House	06-19-01	
H0426	Davis	LEE LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0432	Saunders	LICENSING SELLING OF CARS.	*HR	Ch. SL 2001-345	03-27-01	04-02-01
$ H0444	**Gibson**	**NC HOUSING TRUST FUND.**	***H**	**Assigned To Appropriations Subcommittee on Natural and Economic Resources**	**03-01-01**	**05-07-01**
H0448	Gibson	HOUSE DISTRICT 33-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0449	Gibson	TROY ANNEXATION.	*HR	Ch. SL 2001-136	03-01-01	04-18-01
H0450	Gibson	HOUSE DISTRICT 33-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
H0455	McCombs	SHP REIMBURSEMENT FOR SPECIAL EVENTS.	H	Re-ref Com On Finance	03-01-01	03-28-01
H0456=	Hunter	CHILD ABUSE IN CHILD CARE FACILITY STUDY.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	03-27-01	12-06-01
H0456=	Hunter	CHILD ABUSE IN CHILD CARE FACILITY STUDY.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	12-06-01	
$ H0461	**Allen**	**HOUSE DISTRICT 22 FUNDS-1.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**03-05-01**	
H0465	Brubaker	38TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0466	Brubaker	38TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0467	Cox	HONORING THE LIFE AND	*HR	Ch. Res 2001-31	03-05-01	06-28-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		MEMORY OF NEILL MCKAY ROSS				
H0468	Cox	19TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0469	Cox	19TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0470	Wainwright	PAMLICO COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0471	Wainwright	JONES COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0472	Wainwright	CRAVEN COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0473	Wainwright	LENOIR COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0474	Wainwright	79TH HOUSE DISTRICT LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0475	Wainwright	LENOIR COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0476	Wainwright	CRAVEN COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-05-01	
H0482	Edwards	PITT LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-06-01	
H0483	Nye	96TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-06-01	
H0484	Nye	96TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-06-01	
H0485	Nye	BLADEN COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-06-01	
H0486	Nye	96TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar,	03-06-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				and Operations of the House		
H0487	Nye	BLADEN COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-06-01	
H0488	Nye	96TH HOUSE DISTRICT LOCAL ACT-4.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-06-01	
H0497	Brubaker	38TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0499	Gulley	REVIEW OF COURT ORDERS BY LOCAL SCHOOL BOARDS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0500	Gulley	LOCAL SCHOOL BOARD ELECTIONS-STUDY.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	08-08-01	
H0503	Gulley	MECKLENBURG COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0504	Gulley	MATTHEWS PROPERTY LEASE.	*HR	Ch. SL 2001-102	03-07-01	03-27-01
H0505	Gulley	TOWN OF MINT HILL LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0511	Fitch	2001 EDUCATION LOTTERY.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0516	Pope	WAKE COUNTY SCHOOL CONSTRUCTION PROJECTS.	*HR	Ch. SL 2001-44	03-07-01	03-21-01
H0517	Insko	24TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0518	Insko	24TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0519	Insko	24TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-07-01	
H0520	Hurley	CUMBERLAND COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0521	Hurley	CITY OF FAYETTEVILLE LOCAL ACT.	H	Ref To Com On Rules, Calendar,	03-08-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				and Operations of the House		
H0522	Hurley	CUMBERLAND TRANSPORTATION AUTHORITY.	*H	Ref To Com On State and Local Government	03-08-01	04-12-01
H0523	Russell	WAYNE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0524	Russell	LENOIR COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0527	Hilton	GASTON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0528	Hilton	CATAWBA COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0529	Hilton	LINCOLN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0531	Edwards	RESTRICT TRAWL NETS IN CERTAIN RIVER SYSTEMS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0532	Ellis	TEAM TICKET.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0536	Ellis	LRC/STUDY USE OF RED LIGHT CAMERAS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-16-01	
H0538	Hurley	CUMBERLAND LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0539	McCombs	83RD HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0540	McCombs	83RD HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-08-01	
H0550	Grady	ONSLOW COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-12-01	
H0551	Grady	CITY OF JACKSONVILLE LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of	03-12-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				the House		
H0557	Thompson	BEECH MOUNTAIN LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-12-01	
H0559	Dedmon	RUTHERFORD/POLK LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-12-01	
H0560	Dedmon	CLEVELAND COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-12-01	
H0561	McCombs	ROWAN COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-12-01	
H0562	McCombs	ROWAN COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-12-01	
H0568	Ellis	SCHOOLS MUST PROTECT STUDENT & FAMILY PRIVACY.	H	Ref To Com On Education/Higher Education	04-18-01	04-24-01
H0577	Tolson	PITT COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-13-01	
H0578	Tolson	PITT COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-13-01	
H0579	Tolson	WILSON COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-13-01	
$ H0580	**Tolson**	**WILSON INFRASTRUCTURE EXTENSION FUNDS.**	***H**	**Assigned To Appropriations Subcommittee on Capital**	**03-13-01**	**05-30-01**
H0581	Tolson	EDGECOMBE COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-13-01	
H0582	Tolson	NASH COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-13-01	
H0583	Tolson	MODIFY NASH OCCUPANCY TAX.	*HR	Ch. SL 2001-349	03-13-01	06-28-01
H0584	Tolson	EDGECOMBE COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-13-01	
H0595	Decker	84TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar,	03-14-01	

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				and Operations of the House		
H0596	Decker	84TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0597	McMahan	CHARLOTTE ADVISORY REFERENDUM.	*HR	Ch. SL 2001-10	03-14-01	03-22-01
H0599	Michaux	REVISE CONSUMER FINANCE ACT.	*HR	Ch. SL 2001-519	04-10-01	04-23-01
H0601	Brubaker	SUBSTANDARD SUBDIVISION ROAD STUDY.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0603	Fitch	HONORING ESSIE RUTH COOPER RICHARDSON.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0605	Walend	TRANSYLVANIA COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0606	Walend	TRANSYLVANIA COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0607	Walend	LOCAL APPOINTEES MUST BE CITIZENS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0609	Walend	WELL CONSTRUCTION STANDARDS/RULE MAKING.	*HR	Ch. SL 2001-113	03-14-01	04-10-01
H0611	Thompson	BEECH MOUNTAIN LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0613	Saunders	MECKLENBURG COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0614	Saunders	MECKLENBURG COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0615	Saunders	MECKLENBURG COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-14-01	
H0616	Smith	ATLANTIC BEACH ANNEXATION.	*HR	Ch. SL 2001-137	03-14-01	04-10-01
H0622	Sexton	FIREARM REGULATION AMENDMENTS.	H	Ref To Com On Judiciary II	04-11-01	04-24-01
H0623	McMahan	PUBLIC CONSTRUCTION LAW CHANGES.	*H	Conf Com Appointed	09-06-01	12-04-01
H0625	Harrington	GASTONIA LOCAL ACT.	H	Ref To Com On Rules, Calendar,	03-15-01	

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				and Operations of the House		
H0626	Harrington	GASTON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0628	Alexander	CITY OF CHARLOTTE LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0629	Alexander	MECKLENBURG COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0630	Coates	35TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0634	Michaux	AMEND INVESTMENT AND BANKING LAWS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0636	Owens	ELIZABETH CITY CHARTER REVISED.	*HR	Ch. SL 2001-227	03-15-01	04-17-01
H0638	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0639	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0640	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-4.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0641	McLawhorn	9TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0642	Cole	TRANSPORTATION POLICY.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0646	Capps	RELIGIOUS FREEDOM RESTORATION ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-15-01	
H0647=	Miller	DURHAM FACILITIES FEES.	H	Re-ref Com On Local Government I	03-15-01	03-28-01
H0648=	Earle	MEDICAL EXAMINER STUDY.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-02-01	
$ H0649	**Baker**	**AUTHORIZE EMERGENCY APPROPRIATION.**	**H**	**Re-ref Com On Judiciary I**	**03-15-01**	**07-17-01**

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0650=	Howard	MORATORIUM ON SOFT DRINK CONTRACTS/ SCHOOLS.	H	Re-ref Com On Education	03-15-01	04-03-01
H0652=	Tolson	HONORING MACCLESFIELD'S FOUNDERS	HR	Ch. Res 2001-10	03-15-01	05-03-01
H0657	Arnold	72ND HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0658	Arnold	ROCKY MOUNT POLICE OFFICER RESIDENCY.	*H	Ref To Com On State and Local Government	03-19-01	04-16-01
H0660	Gillespie	49TH HOUSE DISTRICT LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0661	Harrington	GASTON CO. DSS. BD. SIZE.	H	Ref To Com On State and Local Government	03-19-01	03-28-01
H0662	Decker	BORN-ALIVE INFANT PROTECTION ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0663	Goodwin	HONORING VICTIMS OF IMPERIAL FOOD PRODUCTS FIRE.	*HR	Ch. Res 2001-21	03-19-01	03-29-01
$ H0669	**Harrington**	**PRESCRIPTION DRUG ASSISTANCE FUNDS.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**03-19-01**	
H0670	Harrington	REFORM PAYDAY LENDING.	H	Re-ref Com On Financial Institutions	03-19-01	04-03-01
H0672	Earle	CHARLOTTE LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0673	Earle	CORNELIUS LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0674	Earle	MECKLENBURG COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0675	Earle	HUNTERSVILLE LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-19-01	
H0680	Morris	HONORING DOG HANDLERS/ VISUAL TRACKERS.	H	Ref To Com On Rules and Operations of the Senate	03-19-01	04-03-01
H0681	Davis	POSTING OF TEN COMMANDMENTS IN	H	Ref To Com On Rules, Calendar,	03-19-01	

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		SCHOOLS.		and Operations of the House		
H0694=	Owens	CLARIFY MV DEALER FRANCHISE LAWS.	H	Re-ref Com On Judiciary III	03-20-01	03-21-01
H0698	Smith	CARTERET OCCUPANCY TAX CHANGES.	*HR	Ch. SL 2001-381	03-20-01	05-02-01
H0701	Culpepper	HONORING DEVELOPERS OF THE ELIZABETHAN GARDENS.	HR	Ch. Res 2001-9	03-20-01	04-17-01
H0704=	Wilson, C	BUILDING CODE PILOT PROGRAM.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-20-01	
H0706	Bell	WAYNE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-21-01	
H0707	Bell	SAMPSON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-21-01	
H0708	Bell	DUPLIN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-21-01	
H0709	Baker	ADOPT CAROLINA LILY AS STATE WILDFLOWER.	*H	Ref To Com On Rules and Operations of the Senate	03-21-01	03-28-01
H0713	McCombs	ROWAN COUNTY LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-21-01	
H0718=	Miller	DURHAM IMPACT TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0720	Warner	REGULATE INTERBASIN TRANSFERS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0723	Pope	APPOINTED MEMBER'S STATEMENT OF ECONOMIC INT.	*HR	Ch. SL 2001-119	03-22-01	04-09-01
H0726	Culpepper	DARE COUNTY OCEAN REGULATION.	*HR	Ch. SL 2001-52	03-22-01	04-23-01
H0728	Capps	DISPLAY OF AMERICAN FLAG.	*H	Re-ref Com On Judiciary I	03-22-01	10-23-01
H0729	Warren	8TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0730	Warren	8TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	

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H0731	Warren	8TH HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0732	Warren	8TH HOUSE DISTRICT LOCAT ACT-4.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0733	Warren	8TH HOUSE DISTRICT LOCAL ACT-5.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0738	Dockham	94TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0739	Dockham	94TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0741	Morgan	31ST HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0742	Morgan	MOORE COUNTY HUNTING.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0743	Morgan	31ST HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0744	Morgan	SEVEN LAKES WEST MV REG.	*HR	Ch. SL 2001-132	03-22-01	04-19-01
H0745	Arnold	72ND HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-22-01	
H0746	Wilson, C	HONORING PRESIDENTS OF CHARLOTTE SYMPHONY GUILD	H	Ref To Com On Rules and Operations of the Senate	03-22-01	04-03-01
H0750	Thompson	AVERY COUNTY OCCUPANCY TAX LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0754	Sexton	ROCKINGHAM COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0755	Sexton	ROCKINGHAM COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0758	Womble	HONORING CHARLES CALLOWAY 'C.C.' ROSS.	HR	Ch. Res 2001-15	03-26-01	04-12-01

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H0761	Cole	CASWELL COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0762	Cole	CITY OF BURLINGTON LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
$ H0763	**Cole**	**CHINQUA-PENN PLANTATION TRANSFER/ FUNDS.**	***H**	**Assigned To Appropriations Subcommittee on General Government**	**03-26-01**	**05-01-01**
H0764	Russell	TAXPAYER PROTECTION ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0766	Justus	50TH HOUSE DISTRICT LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0767	Justus	50TH HOUSE DISTRICT LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0771	Edwards	HONORING EDMUND HARDING/FOUNDING OF BATH.	H	Ref To Com On Rules and Operations of the Senate	03-26-01	04-10-01
H0772	Edwards	DEPOSITS ON BEVERAGE CONTAINERS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0775	Morris	CUMBERLAND LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0778	Warwick	PENDER COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0779	Warwick	PENDER COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0780	Warwick	SAMPSON COUNTY LOCAL ACT-2	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0781	Warwick	SAMPSON COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0782	Warwick	ONSLOW COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0783	Warwick	ONSLOW COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0784	Warwick	SAMPSON COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0785	Warwick	PENDER COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0786	Warwick	ONSLOW COUNTY LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0795	Gillespie	"CHOOSE LIFE" LICENSE PLATE.	H	Re-ref Com On Finance	03-26-01	06-12-01
H0799=	Haire	HAYWOOD LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0800	Culpepper	SPEAKER'S APPOINTMENTS.	*HR	Ch. SL 2001-163	03-26-01	03-29-01
H0801	Culpepper	SPEAKER'S APPOINTMENTS-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
H0802	Culpepper	DARE UTILITY UNDERGROUNDING AMENDMENTS.	H	Re-ref Com On Local Government I	03-26-01	04-23-01
H0808	Alexander	MENTAL HEALTH/ CHEMICAL DEP. PARITY.	H	Re-ref Com On Insurance	03-26-01	04-11-01
H0810=	Alexander	STUDY DOMESTIC VIOLENCE FATALITY REVIEW TEAM.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-24-01	
H0811	Carpenter	MADISON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0812	Carpenter	HAYWOOD COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0813	Carpenter	GRAHAM COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0814	Carpenter	JACKSON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0815	Carpenter	SWAIN COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of	03-27-01	

Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H0816	Goodwin	HONORING LINDSEY GUY DEWITT.	*H	the House Adopted	03-27-01	04-16-01
H0817	Goodwin	RICHMOND COUNTY SUBDIVISIONS.	*HR	Ch. SL 2001-189	03-27-01	04-19-01
H0818	Goodwin	RICHMOND COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0820	Haire	SWAIN LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0823	Decker	ED. OV. STUDY NONPUBLIC STUDENTS/ PUB. SCH. ACT.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	07-09-01	
H0826	Culpepper	DARE OCCUPANCY TAX CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0827	Boyd-McIntyre	TOWN OF JAMESTOWN LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0828	Boyd-McIntyre	CITY OF HIGH POINT LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0829	Boyd-McIntyre	CITY OF GREENSBORO LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0830	Boyd-McIntyre	GUILFORD COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-27-01	
H0833	McLawhorn	HONORING JOHN LAWSON	HR	Ch. Res 2001-34	03-28-01	06-04-01
H0833	McLawhorn	HONORING JOHN LAWSON	HR	Ch. Res 2001-34	07-09-01	07-11-01
H0839	Nye	BLADEN LOCAL SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-28-01	
H0841	Insko	MODIFY CHATHAM IMPACT FEE.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0853=	McMahan	CHARLOTTE RENTAL CAR TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0860	Shubert	REQUIRE TWO-THIRDS VOTE TO RAISE TAXES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0861	Shubert	UNION COUNTY SCHOOL	H	Ref To Com On	03-29-01	

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		TAX REFERENDA.		Rules, Calendar, and Operations of the House		
H0864	Insko	MODIFY ORANGE IMPACT FEE.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0865	Redwine	CALABASH ANNEXATION/ HOLDEN BEACH.	*HR	Ch. SL 2001-478	03-29-01	07-16-01
H0868	Wright	NAVASSA ANNEXATION/ CHARTER.	*HR	Ch. SL 2001-325	03-29-01	04-23-01
H0869	Wright	98TH HOUSE DISTRICT LOCAL ACT-2	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0870	Baker	JUDICIAL CONTRIBUTIONS.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0875	Walend	BILTMORE FOREST DEER MANAGEMENT.	*HR	Ch. SL 2001-156	03-29-01	04-18-01
H0876	Walend	HENDERSON COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0877	Walend	BREVARD SATELLITE ANNEXATIONS.	*HR	Ch. SL 2001-105	03-29-01	04-17-01
H0881	Culpepper	TYRRELL TRANSFER TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0886	Cansler	51ST HOUSE DISTRICT LOCAL ACT-2.	HF	Reptd Unfav	03-29-01	04-18-01
H0887	Cansler	51ST HOUSE DISTRICT LOCAL ACT -1.	HF	Reptd Unfav	03-29-01	04-18-01
H0888	Cansler	51ST HOUSE DISTRICT LOCAL ACT-3.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0889	Miner	WAKE COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0890	Miner	TOWN OF CARY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0892	McMahan	CHARLOTTE/PINEVILLE LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0895	Hensley	GARNER TRANSPORTATION IMPACT FEES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0900	Baddour	PROGRESS BOARD.	H	Ref To Com On	03-29-01	

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				Rules, Calendar, and Operations of the House		
H0908=	Weiss	CARY PARKS IMPACT FEES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0909	Weiss	CARY INCLUSIONARY ZONING.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0910=	Weiss	VARIOUS TOWNS CLEARCUTTING.	*HR	Ch. SL 2001-191	03-29-01	04-03-01
H0911=	Weiss	CARY GENERAL GOVERNMENT FACILITIES FEES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0913=	Weiss	CARY OPEN SPACE IMPACT FEES.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0915	Shubert	LMT BUDGET EXPENSES/ PRIOR FISCAL YEAR REVENUE.	H	Re-ref Com On Appropriations	03-29-01	04-17-01
H0916	Shubert	HOMESTEAD EXEMPTION INCREASE.	H	Re-ref Com On Finance	03-29-01	04-17-01
H0919	Luebke	NO TAKING OF DEER WITH DOGS.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04-18-01	
H0920	Luebke	DURHAM COUNTY LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0922	Nesbitt	BUNCOMBE COUNTY LOCAL ACT-1.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0923	Nesbitt	BUNCOMBE COUNTY LOCAL ACT-2.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0925	McComas	WILMINGTON RIVER WALK DISTRICT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0927	McComas	TOWN OF WRIGHTSVILLE BEACH LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0928	McComas	CITY OF WILMINGTON LOCAL ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0933	Hilton	TWO-THIRDS VOTE TO LEVY TAXES.	H	Ref To Com On Rules, Calendar,	03-29-01	

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				and Operations of the House		
0940=	Hackney	CHATHAM AUTO TAX FOR ECON. DEVELOPMENT.	H	Ref To Com On Rules, Calendar, and Operations of the House	03-29-01	
H0944	Barnhart	STATE FISCAL RESPONSIBILITY ACT.	H	Re-ref Com On Appropriations	04-02-01	04-11-01
H0945	Barnhart	TRANSPORTATION FUNDING EQUITY COMMISSION.	H	Re-ref to the Com on Transportation and, if favorable, to the Com on Rules, Calendar, and Operations of the House	04-02-01	04-11-01
$ H0947	**Rogers**	**HIGHWAY PATROL POSITION.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-02-01**	
H0948	Haire	REDEFINE "SPECIAL ABC AREA".	*HR	Ch. SL 2001-515	10-04-01	11-08-01
H0956	Arnold	REPEAL UNC AUTHORITY TO RETAIN REVERSIONS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-03-01	
H0957	Arnold	STUDY AGE FOR ENTRY INTO PUBLIC SCHOOLS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-25-01	
0984=	Hill	LANDSCAPE/IRRIGATION CONTRACTORS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	09-18-01	
H0986	Smith	PORTS RAILWAY COMMISSION CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-05-01	
H0991	Tucker	BILL LEE ACT STUDY.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-05-01	
H1010=	Morris	CONSCIENCE PROT./ CONTRACEPTIVE COVERAGE MANDATE.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-09-01	
H1011	Morris	REFUSE TO ABORT/ EXTEND CONSCIENCE PROTECTION.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-09-01	
H1013=	Morris	COSMETIC ART FEES/ CONTINUING EDUCATION.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	10-02-01	
H1016	Lucas	HONORING THE MEMORY OF GRADY HOWARD.	H	Ref To Com On Rules and	04-09-01	04-24-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				Operations of the Senate		
H1020	Goodwin	FELONY/STRIKE LAW ENFORCEMENT OFFICER.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-25-01	
H1021	Goodwin	HONORING RAILROAD EMPLOYEES.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04-09-01	05-22-01
H1021	Goodwin	HONORING RAILROAD EMPLOYEES.	H	Re-ref Com On Rules, Calendar, and Operations of the House	05-23-01	
H1022	Goodwin	STUDY 28-YEAR RETIREMENT/RETENTION INCENTIVES.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	06-21-01	
H1034	Wainwright	HONORING PAST G.A. AND FIRST TRYON PALACE COMM.	HR	Ch. Res 2001-8	04-09-01	04-10-01
H1061=	Gibson	EXEMPT WATER RESALE FROM DRINKING WATER ACT.	*HR	Ch. SL 2001-502	10-08-01	11-15-01
H1068	Nye	LONG-TERM CARE FACIL./ QUALITY OF CARE.	*HR	Ch. SL 2001-385	04-24-01	04-25-01
H1069	Fox	NATURAL AND ECONOMIC RESOURCES ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-10-01	
H1072	Cox	MODIFY N.C. ENVIRONMENTAL RULES.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-10-01	
H1074	Culpepper	LRC-STUDY CERTIFYING ACKNOWLEDGEMENTS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-10-01	
H1075	Shubert	NO MULTIMEMBER DISTRICTS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-10-01	
H1076	Shubert	REDISTRICTING CRITERIA.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-10-01	
$ H1077	**Arnold**	**FIREFIGHTERS' AND RESCUE SQUAD WORKERS' RETIRE.**	***H**	**Re-ref Com On Rules, Calendar, and Operations of the House**	**07-12-01**	
H1078	Arnold	STUDY FIREFIGHTERS' EARLY RETIREMENT	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-29-01	
H1095	Baddour	MANAGED CARE OMBUDSMAN PROGRAM.	H	Ref To Com On Rules, Calendar,	04-11-01	

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				and Operations of the House		
H1096=	Dedmon	NO RETAINAGE/CERTAIN CONSTRUCTION CONTRACTS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-11-01	
H1101=	Baddour	PRIVACY PROTECTIONS STUDY.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-11-01	
$ H1104	**Alexander**	**LIVING INCOME STUDY COMMISSION.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-11-01**	
H1114	Cole	REVISE BOG ELECTION PROCEDURE.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1115	Luebke	LONG-TERM CARE CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
$ H1116	**Hackney**	**DEATH PENALTY MORATORIUM.**	***H**	**Re-ref to the Com on Judiciary I and, if favorable, to the Com on Appropriations**	**04-12-01**	**04-24-01**
H1124	Harrington	SUPPORT PRESIDENT BUSH'S TAX RELIEF PROPOSAL.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1126	Thompson	CLARIFY RESIDENCY FOR REG. OR VOTING.	*HR	Ch. SL 2001-316	04-12-01	04-18-01
$ H1134	**Davis**	**MUST REPORT THREATS OF SCHOOL VIOLENCE.**	***H**	**Re-ref Com On Rules, Calendar, and Operations of the House**	**07-19-01**	
$ H1137	**Arnold**	**DEAF SCHOOLS CHANGES.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-12-01**	
H1144=	Yongue	AMEND ST. BD. OF EDUC. ADVISORY MEMBERS.	*HR	Ch. SL 2001-503	10-08-01	12-05-01
H1151	Michaux	STUDY VIOLENT HABITUAL FELON LAW.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-01-01	
H1152	Michaux	STUDY HABITUAL FELON DEFINITION.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-01-01	
H1153=	McMahan	STUDY COLLECTION OF COMMERCIAL DEBT.	H	Ref To Com On Rules, Calendar, and Operations of	04-12-01	

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				the House		
H1155	Dedmon	INTERMODAL TRAILER AND CONTAINER REG.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1159	Alexander	PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1162	Russell	ESTABLISH LIBERTY DAY.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1163	Russell	CONGRATULATING FORT BRAGG, CAMP LEJEUNE & SEYMOU	*HR	Ch. Res 2001-14	04-12-01	05-14-01
H1165	Baddour	PRESCRIPTION DRUG BILL.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1167	Justus	N.C. ENVIRONMENTAL RULES CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1168	Justus	AMEND ENVIRONMENTAL RULES FOR N.C.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1170	Wilson, C	MEDICAL TREATMENT PROTOCOL.	H	Re-ref Com On Rules, Calendar, and Operations of the House	04-17-01	
H1171	Goodwin	JUDICIAL ELECTION REFORM.	*H	Re-ref Com On Election Law and Campaign Finance Reform	04-12-01	07-11-01
H1178	Blust	VOTERS RESOLVE LOCAL SCHOOL FUNDING DISPUTES.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1216	Hackney	EXTEND SWINE FARM MORATORIA-4.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1218=	Owens	2001 EDUCATION LOTTERY REFERENDUM.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1231	Hensley	AMEND APPORTIONMENT FORMULA.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	06-25-01	
H1233	Shubert	LRC TO STUDY HIWAY PROSPERITY PLANNING ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	

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H1235	Ellis	SITING LIMITS FOR SANITARY LANDFILLS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1240	Luebke	MEDICAL USE OF MARIJUANA/STUDY.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1250	Goodwin	FALLEN FIREFIGHTERS MEMORIAL DAY.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1251	Goodwin	LRC STUDY STATE PAYS FULL MEDICAID SHARE.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1252	Goodwin	SAFETY PLANNING.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1253	Goodwin	UNINSURED MOTORIST COVERAGE.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-25-01	
H1256	Underhill	ED OV. STUDY TEACHER PORTFOLIO REQUIREMENT.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-25-01	
H1257	Underhill	STREAM IDENTIFICATION FOR BUFFER RULES.	*HR	Ch. SL 2001-404	04-12-01	04-18-01
H1258	Davis	HISTORIC MONUMENTS/ MEMORIALS PROTECTION ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1261	Boyd-McIntyre	HONORING N.C. 2000 OLYMPIC MEDAL WINNERS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1262	Wright	DIRECTING LEGIS. SERVS. COMM. TO REVIEW SECURITY	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1263	Wright	STATE EMPLOYEES' HEALTH PLAN BENEFITS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1264	Wright	STUDY COMMITTEE ON HEPATITIS C.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1267	Wright	DIRECTING LRC TO REVIEW SECURITY SURVEY.	H	Re-ref Com On Education	04-12-01	06-04-01
H1271	Haire	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION	*H	Re-ref Com On Rules, Calendar, and Operations of	04-12-01	05-02-01

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				the House		
1271	Haire	NORTH CAROLINA NATIONAL HERITAGE AREA/COMMISSION	*H	Re-ref Com On Rules, Calendar, and Operations of the House	08-02-01	
H1273=	Justus	NCDL-ADDRESS REQUIREMENT ON APPLICATION.	H	Assigned To Appropriations Subcommittee on Transportation	04-12-01	04-17-01
H1274	Insko	REVENUE LAWS STUDY ENTERTAINMENT TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1275=	Alexander	UNDERAGE DRINKING STUDY COMMISSION.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1279	Allred	STUDY HIGHER ED. RESIDENCY REQS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-25-01	
H1290	Rogers	AMEND UNC LAWS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1291	Carpenter	LIMIT EXERCISE OF ETJ POWER.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	06-05-01	
H1296	Luebke	AMEND TRAFFIC STOP LAWS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1297	Luebke	STUDY GANG VIOLENCE & JUVENILE CRIME PREVENTION.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
$ H1300=	**Gibson**	**STUDY ALTERNATIVE ENERGY SOURCES.**	***H**	**Re-ref Com On Rules, Calendar, and Operations of the House**	**10-18-01**	
$ H1315	**Morris**	**STUDY RAPIST PARENTAL RIGHTS.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-12-01**	
H1319	Warwick	ENVIRONMENTAL MANAGEMENT COMMISSION AMEND.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1320	Warwick	AMEND COASTAL LAWS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1329	Carpenter	MV INSURERS-NO MANDATE/NONORIGINAL CRASH PARTS.	H	Re-ref Com On Rules, Calendar, and Operations of	04-25-01	

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				the House		
H1330	Clary	MILITARY VOTING/ INTERNET.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-24-01	
$ H1332	**Insko**	**HEALTH CARE FUNDAMENTAL RIGHT.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-12-01**	
H1334	Barefoot	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1336	Wilson, C	L.R.C. TO STUDY CERTIFICATE OF NEED LAWS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1338	Boyd-McIntyre	LRC STUDY OF SCHOOL OF SCIENCE & MATH.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1339	Boyd-McIntyre	PERMANENT IDENTIFICATION INSIDE BURIAL VAULTS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1340	Mitchell	LRC TO STUDY POST-TOWING PROCEDURES.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	04-24-01	
H1341	Culpepper	AMEND AUCTIONS/ AUCTIONEERS LAWS.	*HR	Ch. SL 2001-198	04-12-01	04-19-01
H1342	Culpepper	NOTIFICATION OF LEASED MV PARKING VIOLATIONS.	*HR	Ch. SL 2001-259	04-12-01	04-23-01
H1343	Fitch	HONORING E. T. BEDDINGFIELD, JR.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1347	Cunningham	SMALL CONSTRUCTION.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1348	Warner	RETIRED SCHOOL COUNSELORS RETURN TO SCHOOLS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1349	Warner	CLARIFY PAY PROVISIONS/LATERAL ENTRY TEACHER.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-12-01	
H1352	Hurley	LOCAL REIMBURSEMENTS/ SALES TAX.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-16-01	
H1363	Mitchell	GLOBAL TRANSPARK STUDY.	H	Ref To Com On Rules, Calendar,	04-23-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
				and Operations of the House		
H1372	**Rogers**	**APPROPRIATIONS FOR COMMUNITY COLLEGES - 1.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-24-01**	
$ H1373	**Rogers**	**APPROPRIATIONS FOR COMMUNITY COLLEGES - 2.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-24-01**	
$ H1386	**Warner**	**COMMUNITY COLLEGE FACULTY SALARY FUNDS.**	**H**	**Re-ref Com On Appropriations**	**04-26-01**	**06-13-01**
$ H1387	**Nesbitt**	**APPROPRIATIONS FOR BUNCOMBE COUNTY - BLANK 1.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-26-01**	
$ H1403	**Nesbitt**	**APPROPRIATIONS FOR BUNCOMBE COUNTY-BLANK 2.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-26-01**	
$ H1416	**Daughtry**	**STUDY HIV RISK/TREAT-RAPE VICTIM/HEALTH WORKER.**	**H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**04-26-01**	
H1420	Carpenter	STUDY DRUG OFFENSES.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-26-01	
H1421	Blue	INNOCENCE PROTECTION ACT.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-26-01	
H1428		LOCAL OPTION TRANSFER TAX.	H	Re-ref Com On Finance	05-09-01	05-29-01
H1430		BUDGET FEE PROVISIONS.	*H	Ref To Com On Finance	05-09-01	06-20-01
H1437		ADJUST TIER FORMULA.	H	Ref To Com On Rules, Calendar, and Operations of the House	05-10-01	
H1441		BILL LEE ACT CHANGES.	H	Ref To Com On Rules, Calendar, and Operations of the House	05-10-01	
H1443		SUPPORT EDUCATION/ MODIFY TAX EXPENDITURES.	H	Ref To Com On Rules, Calendar, and Operations of the House	05-10-01	
H1451	Smith	HONORING LT. GEN. JOHN ARCHER LEJEUNE.	H	Ref To Com On Rules, Calendar, and Operations of the House	05-15-01	
H1452		WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 1.	H	Ref To Com On Rules, Calendar, and Operations of the House	05-17-01	

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
H1453		WAKE COUNTY AREA NC HOUSE REDISTRICTING PLAN 2.	H	Ref To Com On Rules, Calendar, and Operations of the House	05-17-01	
H1455		HONORING IRA T. HARDISON AND JOHN F. MCNAIR.	H	Adopted	05-31-01	07-11-01
H1456		HONORING MEMORY OF WILVER DORNELL STARGELL.	HR	Ch. Res 2001-26	06-04-01	07-25-01
H1458		HONORING JOSEPH HEWES, WM. HOOPER, & JOHN PENN.	H	Adopted	06-20-01	06-28-01
H1459		HONORING LIFE & MEMORY OF DR. T. REGINALD HARRIS	H	Ref To Com On Rules, Calendar, and Operations of the House	06-25-01	
H1460		HONORING JACKSON COUNTY'S FOUNDERS.	HR	Ch. Res 2001-25	06-27-01	06-28-01
H1461		HONORING LIFE & MEMORY OF JACOB WILBERT FORBES.	*HR	Ch. Res 2001-24	06-28-01	07-10-01
H1462		HONORING DAVID WEBSTER BUMGARDNER, JR.	H	Ref To Com On Rules, Calendar, and Operations of the House	07-19-01	
H1463		HONORING JOSEPH WAYNE GRIMSLEY.	HR	Ch. Res 2001-29	07-30-01	08-14-01
H1464		HONORING THE LIFE AND MEMORY OF LISTON B. RAMSEY	H	Ref To Com On Rules, Calendar, and Operations of the House	09-06-01	
H1466	Miller	SUPPORT TROOPS/CIVIL RELIEF.	*H	Rec From House	09-17-01	09-19-01
H1467		HOUSE DISTS. - LESS RETROGRESSION.	H	Ref To Com On Rules, Calendar, and Operations of the House	10-09-01	
H1469		HOUSE DISTRICTS/1% DEVIATION	H	Ref To Com On Rules, Calendar, and Operations of the House	10-25-01	
H1470		HONOR AFRICAN AMER. WHO SERVED IN GEN. ASSEM.	H	Ref To Com On Rules, Calendar, and Operations of the House	10-30-01	
S0002	Tony Rand	GUBERNATORIAL TEAM TICKET	*H	Ref To Com On Rules, Calendar, and Operations of the House	03-01-01	
S0015	Eric Miller Reev	PERSONNEL INFO. NOT DISCLOSED TO MEMBERS OF G.A.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-30-01	
S0024	T. LaFontine Odo	WEST NORMAN INCORPORATION.	*HF	Failed 2nd Reading	03-21-01	04-10-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
S0024	T. LaFontine Odo	WEST NORMAN INCORPORATION.	*HF	Failed 2nd Reading	05-03-01	05-29-01
S0034	**T. LaFontine Odo**	**CONTINUE STATE BUDGET.**	***HR**	**Ch. SL 2001-322**	**07-26-01**	**07-26-01**
$ S0042	**Aaron W. Plyler**	**CONTINUING BUDGET AUTHORITY.**	***HR**	**Ch. SL 2001-250**	**06-27-01**	**06-28-01**
S0046	Aaron W. Plyler	MONROE PREPARED FOOD TAX.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	11-28-01	
S0052	Aaron W. Plyler	HONORING GREAT NORTH CAROLINIANS/BILLY GRAHAM.	*H	Ref To Com On Rules, Calendar, and Operations of the House	08-08-01	
$ S0061	**Howard N. Lee**	**CONTINUING BUDGET AUTHORIZATION.**	***HR**	**Ch. SL 2001-395**	**08-23-01**	**08-28-01**
S0070=	Howard N. Lee	PRESIDENTIAL ELECTORS BY DISTRICT.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-26-01	
S0094=	David F. Weinste	IMPLEMENT 4-YEAR TERMS AND SESSION LIMITS.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-26-01	
S0098=	Charlie S. Danne	MEETING THE NEEDS OF STUDENTS WITH DISABILITIES.	*H	Ref To Com On Rules, Calendar, and Operations of the House	03-26-01	
S0104	David W. Hoyle	FOUR-YEAR TERMS AND SESSION LENGTH LIMITS.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-26-01	
S0128=	Tony Rand	INVITE GOVERNOR/ ADDRESS JOINT SESSION	HR	Ch. Res 2001-2	02-13-01	02-14-01
S0132	Robert C. Carpen	HEALTH INSURANCE/ COLORECTAL CANCER SCREENING.	*HR	Ch. SL 2001-116	04-12-01	05-14-01
S0137	Frank W. Ballanc	PRIVATE CORRECTIONAL OFFICERS.	*HR	Ch. SL 2001-378	04-12-01	05-03-01
S0139=	Tony Rand	LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS.	*HR	Ch. SL 2001-462	06-05-01	06-20-01
S0139=	Tony Rand	LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS.	*HR	Ch. SL 2001-462	07-18-01	10-23-01
$ S0140	**Tony Rand**	**AD HOC COMMUNITY COLLECTIONS REPORTED.**	***H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**10-08-01**	
$ S0163=	**Tony Rand**	**LEAS AND GROUP HOMES.**	***H**	**Ref To Com On Rules, Calendar, and Operations of the House**	**10-08-01**	
S0166=	Charlie S. Danne	THE STUDIES ACT OF 2001.	*HR	Ch. SL 2001-491	03-29-01	12-06-01
S0167=	Charlie S. Danne	RATE SETTING/ADULT DAY CARE.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-30-01	

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$ S0178=	**William R. Purce**	**ADULT CARE HOME ASSESMENT.**	***HR**	**Ch. SL 2001-482**	**05-16-01**	**10-23-01**
S0199=	Allen H. Wellons	MANAGED CARE PATIENTS' BILL OF RIGHTS.	*HR	Ch. SL 2001-446	04-30-01	07-26-01
S0202=	Charles W. Alber	AMEND FISHERIES LAWS.	*HR	Ch. SL 2001-213	04-12-01	05-30-01
S0217=	David W. Hoyle	EXTEND TIME FOR UNIVERSAL SERVICE FINAL RULES.	HR	Ch. SL 2001-252	04-17-01	06-28-01
S0243	Aaron W. Plyler	RED LIGHT CAMERAS/ CERTAIN CITIES.	*HR	Ch. SL 2001-286	03-26-01	04-02-01
S0243	Aaron W. Plyler	RED LIGHT CAMERAS/ CERTAIN CITIES.	*HR	Ch. SL 2001-286	04-16-01	05-14-01
S0255=	Fletcher L. Hart	MIDLAND/ELON LOCAL ACT.	*HR	Ch. SL 2001-366	07-24-01	07-26-01
S0304	Charles W. Alber	LEGISLATORS CAN'T SERVE ON COMM. COLLEGE BD.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-18-01	
S0347	Tony Rand	USE OF STATE PROP./ BLOUNT ST. HISTORIC DIST.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-09-01	
S0348	Tony Rand	INCREASE CUMBERLAND OCCUPANCY TAX.	*HR	Ch. SL 2001-484	10-25-01	11-08-01
S0362=	R. C. Soles, Jr.	CONFIRMATION/ROBERT POWELL/STATE CONTROLLER.	*HR	Ch. Res 2001-22	06-21-01	06-27-01
S0367	David W. Hoyle	LOW-INCOME HOUSING CREDIT PROGRAM EXEMPT/ APA.	*HR	Ch. SL 2001-299	05-17-01	06-20-01
S0391	James Forrester	ELIMINATE DISPARITIES IN HEALTH CARE.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-03-01	
S0394	Brad Miller	STUDY ADVISORY SBE MEMBERS/HEART TASK FORCE.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	08-28-01	
S0398	Virginia Foxx	CHECK CASHER ACT SUNSET EXTENDED.	*HR	Ch. SL 2001-323	05-23-01	07-25-01
S0399=	Charlie S. Danne	CHARLOTTE CHARTER CLEANUP.	HR	Ch. SL 2001-79	04-12-01	05-14-01
S0420	A. B Swindell	ROCKY MOUNT/ PERQUIMANS LOCAL ACT.	*HR	Ch. SL 2001-330	07-23-01	07-25-01
S0432=	John H. Kerr III	WATER AND SEWER AUTHORITIES.	*HR	Ch. SL 2001-224	04-17-01	05-17-01
S0434=	Tony Rand	AUDITS FOR LOCAL GOVERNMENTS.	HR	Ch. SL 2001-160	04-12-01	05-14-01
S0439	Charlie S. Danne	CHARLOTTE-PARKING ORDINANCES.	*HR	Ch. SL 2001-88	04-12-01	05-14-01
S0441	Howard N. Lee	STATE SCHOOL SUPERINTENDENT APPOINTED.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-23-01	
S0470=	David W. Hoyle	AMEND MV DEALER	*HR	Ch. SL 2001-510	08-15-01	08-30-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		FRANCHISE LAWS.				
S0484	Frank W. Ballanc	INCREASE PHARMACY BOARD MEMBERSHIP.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-10-01	
S0486	Hamilton C. Hort	KERNERSVILLE PRIVATE SALE.	HR	Ch. SL 2001-80	04-12-01	05-14-01
S0551	Frank W. Ballanc	WELDON ANNEXATION AGREEMENT.	*HR	Ch. SL 2001-425	09-18-01	09-19-01
S0571	Tony Rand	PRESIDENT PRO TEM AND SPEAKER APPOINTMENTS.	*HR	Ch. SL 2001-486	11-08-01	12-05-01
S0586	Fletcher L. Hart	CLASSROOM EXPERIENCE FOR SCHOOL PERSONNEL.	H	Re-ref Com On Rules, Calendar, and Operations of the House	09-11-01	
S0587	Jeanne H. Lucas	DURHAM HIST.PROP./ TAKING OF DEER.	*HR	Ch. SL 2001-382	05-15-01	08-15-01
S0589	Charlie S. Danne	STUDY 911 FUNDS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	07-19-01	
S0600	Wib Gulley	MV TECHNICAL CHANGES.	*H	Re-ref Com On Appropriations	06-20-01	09-26-01
S0603	Wib Gulley	NAVASSA/CARY CHANGES.	*HR	Ch. SL 2001-485	12-04-01	12-05-01
S0626=	Daniel G. Clodfe	DOMESTIC VIOLENCE FATALITY REVIEW TEAM.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-17-01	
S0633=	Daniel G. Clodfe	BUILDING CODE PILOT PROGRAM.	*HR	Ch. SL 2001-372	04-26-01	05-09-01
S0639	Eleanor Kinnaird	DEEP RIVER HERITAGE CORRIDOR.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-30-01	
S0649	David W. Hoyle	MV DEALER DISCLOSURE OF CERTAIN FEES.	*HR	Ch. SL 2001-492	07-09-01	09-20-01
S0680	T. LaFontine Odo	LAWFUL FIREARM ACTIVITIES PROTECTED.	*H	Ref To Com On Judiciary II	07-02-01	07-11-01
S0712	Tony Rand	DISTRICT JUDGE 8-YEAR TERMS.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-23-01	
S0718	Daniel G. Clodfe	SUPREME COURT RULE MAKING.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-23-01	
S0748=	David W. Hoyle	BILL LEE ACT CHANGES-AB.	*HR	Ch. SL 2001-476	10-03-01	10-03-01
S0766	Robert C. Carpen	MEDICAL SERVICES FOR THE DISABLED/STUDY.	*H	Ref To Com On Rules and Operations of the Senate	04-26-01	04-30-01
S0772=	Allen H. Wellons	ENTERAL SEDATION/ DENTIST PERMITS.	HR	Ch. SL 2001-511	09-26-01	10-02-01
S0774	Tony Rand	PUBLIC ENTERPRISE CUSTOMER BILLING	*HR	Ch. SL 2001-473	05-10-01	05-17-01

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Bill	Introducer	Short Title		Latest Action	In Date	Out Date
		PRIVACY.				
S0785	T. LaFontine Odo	GOV'T ATTORNEYS CLE EXEMPTION.	H	Ref To Com On Rules, Calendar, and Operations of the House	04-23-01	
S0798	Brad Miller	SENATE REDISTRICTING.	*HR	Ch. SL 2001-458	09-21-01	11-06-01
S0819	Tony Rand	CERTAIN PROB. VIOL. TO CT. OF APPEALS.	H	Re-ref to the Com on Judiciary I and, if favorable, to the Com on Rules, Calendar, and Operations of the House	04-23-01	05-09-01
S0825	Tony Rand	STATE HEALTH PLAN CONTRACT/EXEMPT APA.	*HR	Ch. SL 2001-192	05-02-01	05-29-01
S0831	Tony Rand	CONTROLLER/EXTEND APPT. DEADLINE.	*HR	Ch. SL 2001-42	04-26-01	04-30-01
S0887	Daniel G. Clodfe	EXPAND MAGISTRATES' AUTHORITY.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-30-01	
S0907	Howard N. Lee	ORGAN, EYE, AND TISSUE DONOR REGISTRY	*HR	Ch. SL 2001-481	10-08-01	10-18-01
S0910	Tony Rand	FAILURE TO APPEAR FOR MISDEMEANOR CITATION.	H	Re-ref Com On Rules, Calendar, and Operations of the House	05-10-01	
S0914	Walter H. Dalton	PUBLIC CONSTRUCTION LAW CHANGES.	*HR	Ch. SL 2001-496	09-11-01	11-27-01
S0931	Tony Rand	CAPITAL CASE/JUDGE OVERSEE DISCOVERY.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-10-01	
S0938	Virginia Foxx	STUDY DATE RAPE DRUG ANALOGUES.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-30-01	
S0970	John H. Kerr III	GRAPE GROWERS COUNCIL FUNDS.	*HR	Ch. SL 2001-475	09-17-01	11-15-01
S1024	Charles Carter	AMEND APPOINTMENT OF EMC MEMBERS.	*H	Re-ref Com On Rules, Calendar, and Operations of the House	05-14-01	
S1032	Howard N. Lee	MINORS' INTERNET ACCESS.	*H	Ref To Com On Rules, Calendar, and Operations of the House	04-30-01	
S1038	David W. Hoyle	PUBLIC RIGHT-OF-WAY DECLARATION.	*HR	Ch. SL 2001-501	10-04-01	11-28-01
S1098	Brad Miller	OUTDOOR ADVERTISING ALONG I-40.	*H	Re-ref Com On Environment and Natural Resources	04-30-01	05-17-01
S1103		HONORING MEMORY JOHN THOMAS/TOWN OF THOMASVILLE.	HR	Ch. Res 2001-27	08-08-01	08-08-01

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COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
FEBRUARY 6, 2001
3:10 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HR 49 – A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 SESSION.

ADJOURNMENT

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

February 6, 2001

The first meeting of the Committee on Rules, Calendar and Operations of the House was held on February 6, 2001 at 3:10 p.m. in Room 421 of the Legislative Office Building.

The members of the committee are: Representatives Bill Culpepper, Culpepper, Chairman; Joe Hackney, Vice Chairman; Gordon Allen, Cary D. Allred, Daniel W. Barefoot, Jeff Barnhart, Flossie Boyd-McIntyre, Charles F. Buchanan, James W. Crawford, Jr., Arlie F. Culp, Milton F. Fitch, Jr., Pryor Gibson, Jim Gulley, Mary L. Jarrell, Larry Justus, Paul Luebke, Daniel F. McComas, Eugene McCombs, W. Edwin McMahan, H. M. Michaux, Jr., Richard Morgan, R. Eugene Rogers, Wilma M. Sherrill, Gregory J. Thompson, Douglas Y. Yongue and ex officio members: Philip A. Baddour, Jr., Majority Leader, Andrew Thomas Dedmon Majority Whip, Beverly Earle, Majority Whip and W. Pete Cunningham, Speaker's Designee (Rule 26-b). All members were present except Representatives Boyd-McIntyre, Buchanan, Morgan and Thompson.

The chairman called the meeting to order and recognized the members of the Sergeant at Arms staff assisting the committee. He also welcomed the members of the committee after which they introduced themselves.

The chairman stated that the purpose of the meeting was for consideration of HOUSE RESOLUTION 49-A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY. A proposed committee substitute was offered, and Representative Michaux moved for its adoption. The motion carried. A discussion followed, after which Representative Fitch moved for a favorable report of the proposed committee substitute, unfavorable as to the original resolution. The motion carried.

There being no further business, the meeting adjourned at 3:35 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE RESOLUTION 49

Sponsors:	Representatives Culpepper; and Goodwin.
Referred to:	Rules, Calendar, and Operations of the House.

February 5, 2001

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Sessions of the House of Representatives of the 2001 General Assembly are:

PERMANENT RULES OF THE REGULAR SESSIONS OF THE HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY OF NORTH CAROLINA

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

I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2001, no sessions may be held on Friday. No session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

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

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

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

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

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

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, unless otherwise ordered by the Speaker, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40):
  a. Local bills (roll call) third reading
  b. Local bills (roll call) second reading
  c. Local bills third reading
  d. Local bills second reading
  e. Public bills (roll call) third reading

f. Public bills (roll call) second reading
g. Public bills and resolutions, third reading
h. Public bills and resolutions, second reading;

(11) Reading of notices and announcements.

II. Conduct of Debate

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

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

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

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

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

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

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A two-thirds vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from

the ruling of the chair and the decision by a two-thirds vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Placards, stickers, or signs not approved by the Speaker are not permitted in the House Chamber.

III. Motions

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

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

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

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

To adjourn.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

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

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

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

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

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

(c) A motion to table shall not be paired with a motion to reconsider.

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

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

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

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

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

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

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,
(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

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

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

(1) The Chair of the Committee on Rules. Calendar, and Operations of the House;
(2) The majority leader;
(3) The Speaker Pro Tempore;
(4) The member submitting the report on the bill or other matter under consideration;
(5) The member introducing the bill or other matter under consideration; or
(6) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.

(b) The previous question shall be as follows: "Call for the previous question having been made, is the call sustained?" When the call for the previous question has

been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All measures affecting a fee imposed by the State or any subdivision thereof.

(3) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(4) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(5) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. The

system shall be set to close automatically when that time has expired. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

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

(1) To adjourn.
(2) To lay on the table.
(3) Previous question.
(4) To postpone indefinitely.
(5) To reconsider.
(6) To postpone to a day certain.
(7) To re-refer.
(8) To amend an amendment.
(9) To amend.

(10) To concur or not concur.

(11) Miscellaneous.

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

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

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

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

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

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

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

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

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto. If the reason for the request arises at some point later in the proceedings, the request may be made at that time.

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

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

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

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

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

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

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

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

(d) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

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

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

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

(h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one member designated by the Speaker at the time of appointments of chairs of standing committees are ex officio members of every standing committee and permanent subcommittee, except the standing committees on Congressional Redistricting and Legislative Redistricting and any permanent subcommittees thereof, with the right to

vote. No more than three of these persons may vote under the authority of this subsection at any committee meeting.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Aging	(None)
Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital -Education -General Government -Health and Human Services -Information Technology -Justice and Public Safety -Natural and Economic Resources -Transportation
Children, Youth and Families	(None)
Congressional Redistricting	(None)
Cultural Resources	(None)
Economic Growth and Community Development	(None)
Education	-Community Colleges -Pre-School, Elementary and Secondary Education -Universities
Election Law and Campaign Finance Reform	(None)
Environment and Natural Resources	(None)
Ethics	(None)

Finance	(None)
Financial Institutions	(None)
Health	(None)
Highway Safety	(None)
Insurance	(None)
Judiciary I	(None)
Judiciary II	(None)
Judiciary III	(None)
Judiciary IV	(None)
Law Enforcement	(None)
Legislative Redistricting	(None)
Local Government I	(None)
Local Government II	(None)
Marine Fisheries	(None)
Mental Health	(None)
Military, Veterans and Indian Affairs	(None)
Occupational Safety and Health	(None)
Pensions and Retirement	(None)
Public Health	(None)
Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)

Small Business	(None)
State Government	(None)
State Personnel	(None)
Technology	(None)
Transportation	(None)
Travel and Tourism	(None)
University Board of Governors Nominating	(None)
Ways and Means	(None)
Welfare Reform	(None)
Wildlife Resources	(None)

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

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

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

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

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

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

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

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

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

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

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

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

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional, or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

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

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

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

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

RULE 29.2. **Minutes to Legislative Library.** – The Chair of a standing committee or a permanent subcommittee shall insure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Standing Committee of the Whole House.** – (a) A Standing Committee of the Whole House shall not be formed, except by suspension of the rules, if there be objection by any member.

(b) After passage of a motion to form a Standing Committee of the Whole House, the Speaker shall appoint a Chair to preside in the standing committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Standing Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Standing Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Standing Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee, and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose. but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Captions of public bills may be amended only by amendment proposed by the standing committee to which the bill was referred. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

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

"House Committee Substitute for_____".

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

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

(h) A bill containing no substantive provisions may not be introduced in the House.

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

RULE 31.1. **Deadlines on Introduction and Receipt; Single Subject Rule.** – (a) All public bills or resolutions recommended by commissions or standing

committees authorized or directed by act or resolution of the General Assembly to report to the 2001 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28) of the first year of the biennial session; and

(a1) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28). A bill introduced under this subsection shall be identified as an Agency Bill after its short title.

(a2) All local bills must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in March (March 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (March 28) of the first year of the biennial session.

(b) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in April (April 4) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 11) of the first year of the biennial session.

(c) All public bills which under Rule 38 would be required to be re-referred to the Appropriations Committee, or to both the Appropriations and Finance Committees, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in April (April 18) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 25) of the first year of the biennial session. All public bills which under Rule 38 would be required to be re-referred to the Finance Committee but not the Appropriations Committee must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in May (May 2) and must be introduced not later than 3:00 P.M. on the next Wednesday (May 9) of the first year of the biennial session. If any bill is eligible for introduction on account of the date only under this subsection, and the bill is amended so that qualifying appropriation or tax law change does not remain in the bill, it shall not be eligible for further consideration. For the purpose of this section, a "tax law change" includes any provision that would require a bill under Rule 38(b) to be referred to the Standing Committee on Finance.

(d) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committees under Rule 38 or adjournment resolutions, must be received and read on the floor of the House as a message from the Senate no later than April 26; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

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

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

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

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

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

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee:

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair, and unfavorable to the original bill.

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

standing committee chair may re-refer the bill to another permanent subcommittee of that standing committee.

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

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

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

(b) Numbering of House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___."(No. following). A House Resolution shall be designated as "H.R.___." (No. following).

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

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

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

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House, an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter

120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

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

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **When Reports Required.** – All House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the chair of the standing committee or permanent subcommittee that the bill not be considered.

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

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day and in the order designated by the Chair of the Committee on Rules, Calendar, and Operations of the House, but no later than the fourth legislative day after submission of the report or Senate message under Rule 43.3(a), unless:

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

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

In order to place a bill on the calendar for a legislative day, notice shall be given by the Chair of the Committee on Rules, Calendar, and Operations of the House orally in the House or in writing to the Principal Clerk. When a committee substitute is adopted and receives a favorable report by the committee or permanent subcommittee, the standing

committee or permanent subcommittee chair shall submit to the standing committee or permanent subcommittee the question of an unfavorable report on the original bill. The standing committee's or permanent subcommittee's action, if any, on the original bill shall be reported at the same time the committee substitute is reported.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Program of hospital, medical, disability or related benefits provided for teachers and State employees, funded in whole or in part by State funds shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate there from. and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement upon its introduction.

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

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

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long-range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth

the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

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

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

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

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

(1) Carries an appropriation from the State; or

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

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

(c) **Action on Amendment Before Re-Referral.** – If any standing committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the House must be referred to the Standing Committees on Appropriations or the Standing Committee on Finance, the amendment or committee substitute shall be

considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

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

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members of the House shall be required.

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

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

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

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

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

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

(1) Been tabled,

(2) Been postponed indefinitely,

(3) Failed to pass on any of its readings, or

(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the Chair, that measure shall be laid upon the table, and shall not be taken there from except by a two-thirds vote of the members present and voting.

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

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

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

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

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

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

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

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Article II, Section 23 of the State's Constitution which reads:

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

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

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

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

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

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

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

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

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

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

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

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

VII. Legislative Officers and Employees

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

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

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

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

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

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

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

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

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

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

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

VIII. Privileges of the Hall

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

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

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

RULE 53. **Order in Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

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

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

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

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

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

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

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

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

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

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

RULE 61. **Assignment of Seats.** – After initial assignment of seats, a member shall continue to occupy the seat to which initially assigned until assigned a

permanent seat; once assigned a permanent seat, the member shall occupy it for the entire biennial session. In event of vacancy, that member's successor will occupy the seat of the member replaced for the remainder of the biennial session.

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

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

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

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

Section 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE RESOLUTION 49
PROPOSED COMMITTEE SUBSTITUTE H49-PCS3026-LB-1

Sponsors:

Referred to:

February 5, 2001

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Sessions of the House of Representatives of the 2001 General Assembly are:

PERMANENT RULES OF THE REGULAR SESSIONS OF THE HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY OF NORTH CAROLINA

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I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2001, no sessions may be held on Friday. No session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

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

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

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

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

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

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, unless otherwise ordered by the Speaker, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40):
  a. Local bills (roll call) third reading
  b. Local bills (roll call) second reading
  c. Local bills third reading
  d. Local bills second reading
  e. Public bills (roll call) third reading

f. Public bills (roll call) second reading
g. Public bills and resolutions, third reading
h. Public bills and resolutions, second reading;

(11) Reading of notices and announcements.

II. Conduct of Debate

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

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

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

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

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

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

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A two-thirds vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling

of the chair and the decision by a two-thirds vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Placards, stickers, or signs not approved by the Speaker are not permitted in the House Chamber.

III. Motions

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

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

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

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

To adjourn.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

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

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

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

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

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

(c) A motion to table shall not be paired with a motion to reconsider.

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

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

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

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

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

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

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,
(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

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

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

(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
(2) The majority leader;
(3) The Speaker Pro Tempore;
(4) The member submitting the report on the bill or other matter under consideration;
(5) The member introducing the bill or other matter under consideration; or
(6) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.
(7) The member designated by the Speaker under Rule 26(h) to serve as an ex officio member of every standing committee and permanent subcommittee.

(b) The previous question shall be as follows: "Call for the previous question having been made, is the call sustained?" When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All measures affecting a fee imposed by the State or any subdivision thereof.

(3) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(4) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(5) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. The system shall be set to close automatically when that time has expired. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

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

(1) To adjourn.
(2) To lay on the table.
(3) Previous question.
(4) To postpone indefinitely.
(5) To reconsider.
(6) To postpone to a day certain.
(7) To re-refer.

(8) To amend an amendment.
(9) To amend.
(10) To concur or not concur.
(11) Miscellaneous.

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

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

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

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

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

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

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

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

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto. If the reason for the request arises at some point later in the proceedings, the request may be made at that time.

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

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

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

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

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

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

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

(c) The Speaker shall appoint the members of all standing committees having no permanent subcommittees at the beginning of the first regular session in a manner to reflect the partisan membership of the House, except that the standing committees on Congressional Redistricting and Legislative Redistricting shall have an equal number of members of the two parties having the largest membership in the House.

(d) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

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

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

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

(h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one member designated by the Speaker at the time of appointments of chairs of standing committees are ex officio members of every standing committee and permanent subcommittee, except the standing committees on Congressional Redistricting and Legislative Redistricting and any permanent subcommittees thereof, with the right to vote. No more than three of these persons may vote under the authority of this subsection at any committee meeting.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Aging	(None)
Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital -Education -General Government -Health and Human Services -Information Technology -Justice and Public Safety -Natural and Economic Resources -Transportation
Children, Youth and Families	(None)
Congressional Redistricting	(None)
Cultural Resources	(None)
Economic Growth and Community Development	(None)
Education-Community Colleges	-Pre-School, Elementary and Secondary Education -Universities
Election Law and Campaign Finance Reform	(None)

Environment and Natural Resources	(None)
Ethics	(None)
Finance	(None)
Financial Institutions	(None)
Health	(None)
Highway Safety	(None)
Insurance	(None)
Judiciary I	(None)
Judiciary II	(None)
Judiciary III	(None)
Judiciary IV	(None)
Law Enforcement	(None)
Legislative Redistricting	(None)
Local Government I	(None)
Local Government II	(None)
Marine Fisheries	(None)
Mental Health	(None)
Military, Veterans and Indian Affairs	(None)
Occupational Safety and Health	(None)
Pensions and Retirement	(None)
Public Health	(None)

Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
Science and Technology	(None)
Small Business	(None)
State Government	(None)
State Personnel	(None)
Transportation	(None)
Travel and Tourism	(None)
University Board of Governors Nominating	(None)
Ways and Means	(None)
Welfare Reform	(None)
Wildlife Resources	(None)

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

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

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

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

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

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

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

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

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

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

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

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

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional, or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

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

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

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

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

RULE 29.2. **Minutes to Legislative Library.** – The Chair of a standing committee or a permanent subcommittee shall insure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Standing Committee of the Whole House.** – (a) A Standing Committee of the Whole House shall not be formed, except by suspension of the rules, if there be objection by any member.

(b) After passage of a motion to form a Standing Committee of the Whole House, the Speaker shall appoint a Chair to preside in the standing committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Standing Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Standing Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Standing Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee, and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Captions of public bills may be amended only by amendment proposed by the standing committee to which the bill was referred. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

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

"House Committee Substitute for_____".

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

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

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

RULE 31.1. **Deadlines on Introduction and Receipt; Single Subject Rule.** – (a) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2001 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28) of the first year of the biennial session; and

(a1) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28). A bill introduced under this subsection shall be identified as an Agency Bill after its short title.

(a2) All local bills must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in March (March 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (March 28) of the first year of the biennial session.

(b) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in April (April 4) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 11) of the first year of the biennial session.

(c) All public bills which under Rule 38 would be required to be re-referred to the Appropriations Committee, or to both the Appropriations and Finance Committees, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in April (April 18) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 25) of the first year of the biennial session. All public bills which under Rule 38 would be required to be re-referred to the Finance Committee but not the Appropriations Committee must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in May (May 2) and must be introduced not later than 3:00 P.M. on the next Wednesday (May 9) of the first year of the biennial session. If any bill is eligible for introduction on account of the date only under this subsection, and the bill is amended so that qualifying appropriation or tax law change does not remain in the bill, it shall not be eligible for further consideration. For the purpose of this section, a "tax law change" includes any provision that would require a bill under Rule 38(b) to be referred to the Standing Committee on Finance.

(d) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committees under Rule 38 or adjournment resolutions, must be received and read on the floor of the House as a

message from the Senate no later than April 26; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

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

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

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

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

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

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the

House, if approved by the standing committee chair, and unfavorable to the original bill.

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

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

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

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

(b) Numbering of House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___."(No. following). A House Resolution shall be designated as "H.R.___." (No. following).

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

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

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

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in

Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House, an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

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

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **When Reports Required.** – All House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the chair of the standing committee or permanent subcommittee that the bill not be considered.

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

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day and in the order designated by the Chair of the Committee on Rules, Calendar, and Operations of the House, but no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

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

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

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

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

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

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

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

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

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

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

problems. The Fiscal Research Division shall make the fiscal note available to the membership of the House.

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

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

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

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

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

(2) Program of hospital, medical, disability or related benefits provided for teachers and State employees, funded in whole or in part by State funds shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate there from, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement upon its introduction.

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

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

hospital, medical, disability, or related benefits for local government employees not administered by the State.

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

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

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

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

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

(1) Carries an appropriation from the State; or

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

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall

indicate same in the report, and said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House.

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

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

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members of the House shall be required.

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

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

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

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

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

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

(1) Been tabled,

(2) Been postponed indefinitely,

(3) Failed to pass on any of its readings, or

(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the Chair, that measure shall be laid upon the table, and shall not be taken there from except by a two-thirds vote of the members present and voting.

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

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

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

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

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

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

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Article II, Section 23 of the State's Constitution which reads:

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

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

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

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

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

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

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

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill,

the chair of the House standing committee which reported the bill, or by the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

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

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

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

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

VII. Legislative Officers and Employees

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

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

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

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

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

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

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

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

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

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

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

VIII. Privileges of the Hall

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

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

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

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

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

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

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

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

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

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

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

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

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

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any

actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

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

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

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

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

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

Section 2. This resolution is effective upon adoption.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE RESOLUTION 49
PROPOSED COMMITTEE SUBSTITUTE H49-PCS3026-LB-1

Sponsors:

Referred to:

February 5, 2001

A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the Regular Sessions of the House of Representatives of the 2001 General Assembly are:

PERMANENT RULES OF THE REGULAR SESSIONS OF THE HOUSE OF REPRESENTATIVES OF THE 2001 GENERAL ASSEMBLY OF NORTH CAROLINA

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I. Order of Business

RULE 1. **Convening Hour, Limitation on Friday, Night, and Sunday Legislative Sessions.** – The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 2:00 P.M. During January and February of 2001, no sessions may be held on Friday. No session shall continue after 10:00 P.M. on Monday nor after 9:00 P.M. on any other days, and the Speaker shall adjourn the House without motion at that point, except that a motion may be made as to the time and day of next convening. No session shall be held on Sunday.

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

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

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

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

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

RULE 5. **Order of Business of the Day.** – After the approval of the Journal of the preceding day, unless otherwise ordered by the Speaker, the House shall proceed to business in the following order:

(1) The receiving of petitions, memorials, and papers addressed to the General Assembly or to the House;
(1a) Messages from the Governor;
(2) Ratification of bills;
(3) Reports of standing committees and permanent subcommittees;
(4) Reports of select committees;
(5) Reports of referral by standing committee Chairs of bills to permanent subcommittees;
(6) First reading and reference to committee of bills and resolutions;
(7) Messages from the Senate;
(8) Concurrence with Senate amendments or Senate committee substitutes;
(9) The unfinished business of the preceding day;
(10) Calendar (each category in accordance with Rule 40):
  a. Local bills (roll call) third reading
  b. Local bills (roll call) second reading
  c. Local bills third reading
  d. Local bills second reading
  e. Public bills (roll call) third reading

f. Public bills (roll call) second reading
g. Public bills and resolutions, third reading
h. Public bills and resolutions, second reading;

(11) Reading of notices and announcements.

II. Conduct of Debate

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

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

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

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

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

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

RULE 9. **Points of Order.** – (a) The Speaker shall decide questions of order and may speak to points of order in preference to other members arising from their seats for that purpose. Any member may appeal from the ruling of the chair on questions of order; on such appeal no member may speak more than once, unless by leave of the House. A two-thirds vote of the members present shall be necessary to sustain any appeal from the ruling of the chair.

(b) When the Speaker calls a member to order, the member shall be seated except that a member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands. If the member appeals from the ruling

of the chair and the decision by a two-thirds vote of the members present be in favor of the member called to order, the member may proceed; if otherwise, the member shall not; and if the case, in the judgment of the House, requires it, the member shall be liable to censure by the House.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Placards, stickers, or signs not approved by the Speaker are not permitted in the House Chamber.

III. Motions

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

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

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

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

To adjourn.
To lay on the table.
Previous question.
To postpone indefinitely.
To reconsider.
To postpone to a day certain.
To re-refer.
To amend an amendment.
To amend.
To pass the bill.

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

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

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

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

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

(c) A motion to table shall not be paired with a motion to reconsider.

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

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

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

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

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

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

(1) A vote upon a motion to table,
(2) A motion to postpone indefinitely,
(3) A motion to remove a bill from the unfavorable calendar,
(4) A motion that a bill be read twice on the same day, or
(5) A motion to remove from the table.

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

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

(1) The Chair of the Committee on Rules, Calendar, and Operations of the House;
(2) The majority leader;
(3) The Speaker Pro Tempore;
(4) The member submitting the report on the bill or other matter under consideration;
(5) The member introducing the bill or other matter under consideration; or
(6) The member in charge of the measure, who shall be designated by the chair of the standing committee or permanent subcommittee reporting the same to the House at the time the bill or other matter under consideration is reported to the House or taken up for consideration.
(7) The member designated by the Speaker under Rule 26(h) to serve as an ex officio member of every standing committee and permanent subcommittee.

(b) The previous question shall be as follows: "Call for the previous question having been made, is the call sustained?" When the call for the previous question has been decided in the affirmative by a majority vote of the House, the question is on the passage of the bill, resolution, or other matter under consideration.

(c) The call for the previous question shall preclude all motions, amendments, and debate, except the motion to adjourn or motion to table.

(d) If the previous question is decided in the negative, the question remains under debate.

IV. Voting

RULE 20. **Use of Electronic Voting System.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) The passage as required by Article II, Section 23 of the North Carolina Constitution on second and third readings of any bill:
   a. Raising money on the credit of the State,
   b. Pledging the faith of the State for the payment of a debt,
   c. Imposing a State tax, or
   d. Authorizing a county, municipality, or other local governmental unit to
      1. Raise money on its credit,
      2. Pledge its faith for the payment of a debt, or
      3. Impose a local tax.

(2) All measures affecting a fee imposed by the State or any subdivision thereof.

(3) All questions on which a call for the ayes and noes under Rule 24(a) and Article II, Section 19 of the North Carolina Constitution has been sustained.

(4) Both second and third readings of bills proposing amendment of the North Carolina Constitution or ratifying resolutions amending the United States Constitution.

(5) The passage of a bill notwithstanding the Governor's veto thereof pursuant to Article II, Section 22 of the North Carolina Constitution.

(b) Votes on the following questions shall be taken on the electronic voting system:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading or if the reading occurs on a day or days following the second reading, all conference reports on public bills, all motions to lay public bills on the table, and all motions to postpone public bills indefinitely.

(2) Upon a call for division.

(3) Any other question upon direction of the Speaker or upon motion of any member supported by one-fifth of the members present.

(c) When the electronic voting system is used, 15 seconds shall be allowed for voting on the question before the House, unless the Chair shall direct otherwise. The system shall be set to close automatically when that time has expired. Once the system is locked, the vote shall be recorded and printed.

(d) The voting station at each member's desk in the Chamber shall be used only by the member to which the station is assigned. Under no circumstances shall any other person vote at a member's station. It is a breach of the ethical obligation of a member either to request that another person vote at the requesting member's station or to vote at another member's station. The Speaker shall enforce this rule without exception.

(e) When the electronic voting system is used, the Speaker shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; the Clerk will open the vote." In order to have the vote recorded, the member must vote by the electronic voting system within the time allowed for that vote, unless the voting station assigned to a member is malfunctioning. The Speaker shall enforce this rule without exception. After the allotted time for voting has elapsed, the Speaker shall say: "The Clerk will now lock the machine and record the vote." After the machine is locked and the vote recorded, the Speaker shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record of all votes taken on the electronic voting system shall be filed in the office of the Principal Clerk, and two copies shall be filed in the Legislative Library where the copies shall be open to public inspection. A legible copy of the bill, amendment, or motion on which the vote was taken shall be filed with the printout of the vote in the Legislative Library.

(g) When the Speaker ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic voting system, the Speaker shall announce that fact to the House, and any partial electronic voting system voting record shall be voided. In such a case, if the North Carolina Constitution or the Rules of the House require a call of the ayes and noes, the Clerk shall call the roll of the House, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All roll call votes shall be taken alphabetically. If, after a vote is taken on the electronic voting system, it is discovered that a malfunction caused an error in the electronic voting system printout, the Speaker shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the House.

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

(1) To adjourn.
(2) To lay on the table.
(3) Previous question.
(4) To postpone indefinitely.
(5) To reconsider.
(6) To postpone to a day certain.
(7) To re-refer.

(8) To amend an amendment.
(9) To amend.
(10) To concur or not concur.
(11) Miscellaneous.

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

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

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

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

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

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

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

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

RULE 24.1A. **Excuse From Deliberations and Voting on a Bill.** – (a) Any member shall, upon request, be excused from the deliberations and voting on a particular bill, but to do so must make that request after the second reading of the bill and before any motion or vote on the bill or any amendment thereto. If the reason for the request arises at some point later in the proceedings, the request may be made at that time.

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

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

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

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

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

V. Committees

RULE 26. **Standing Committees and Permanent Subcommittees Generally.** – (a) The Speaker shall appoint a chair, or cochairs, of every standing committee, permanent subcommittee, and select committee, if any. In the construction of these rules, the word "chair" as applied to a committee extends to and includes a cochair of the committee. The Speaker shall have the exclusive right and authority to establish select committees, but this does not exclude the right of the House by resolution to establish select committees.

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

(c) The Speaker shall appoint the members of all standing committees having no permanent subcommittees at the beginning of the first regular session in a manner to reflect the partisan membership of the House, except that the standing committees on Congressional Redistricting and Legislative Redistricting shall have an equal number of members of the two parties having the largest membership in the House.

(d) Each chair of a permanent subcommittee shall be a vice-chair of the standing committee of which it is a permanent subcommittee. The Speaker may name other members as vice-chairs of the standing committee. The Speaker may name one or more vice-chairs for any standing committee not having permanent subcommittees.

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

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

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

(h) The Speaker Pro Tempore, Majority Leader, two Majority Whips, and one member designated by the Speaker at the time of appointments of chairs of standing committees are ex officio members of every standing committee and permanent subcommittee, except the standing committees on Congressional Redistricting and Legislative Redistricting and any permanent subcommittees thereof, with the right to vote. No more than three of these persons may vote under the authority of this subsection at any committee meeting.

RULE 26.1. **Mentions of Standing Committee Includes Select Committee.** – Any reference in these rules to standing committees shall extend to select committees unless the context requires otherwise.

RULE 27. **List of Standing Committees and Permanent Subcommittees.** – The standing committees and permanent subcommittees thereof are:

Committees	Subcommittees
Aging	(None)
Agriculture	(None)
Alcoholic Beverage Control	(None)
Appropriations	-Capital -Education -General Government -Health and Human Services -Information Technology -Justice and Public Safety -Natural and Economic Resources -Transportation
Children, Youth and Families	(None)
Congressional Redistricting	(None)
Cultural Resources	(None)
Economic Growth and Community Development	(None)
Education-Community Colleges	-Pre-School, Elementary and Secondary Education -Universities
Election Law and Campaign Finance Reform	(None)

Environment and Natural Resources	(None)
Ethics	(None)
Finance	(None)
Financial Institutions	(None)
Health	(None)
Highway Safety	(None)
Insurance	(None)
Judiciary I	(None)
Judiciary II	(None)
Judiciary III	(None)
Judiciary IV	(None)
Law Enforcement	(None)
Legislative Redistricting	(None)
Local Government I	(None)
Local Government II	(None)
Marine Fisheries	(None)
Mental Health	(None)
Military, Veterans and Indian Affairs	(None)
Occupational Safety and Health	(None)
Pensions and Retirement	(None)
Public Health	(None)

Public Utilities	(None)
Rules, Calendar, and Operations of the House	(None)
Science and Technology	(None)
Small Business	(None)
State Government	(None)
State Personnel	(None)
Transportation	(None)
Travel and Tourism	(None)
University Board of Governors Nominating	(None)
Ways and Means	(None)
Welfare Reform	(None)
Wildlife Resources	(None)

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

(b) Subject to the provisions of subsection (c) of this rule, standing committees and permanent subcommittees thereof shall permit other members of the General Assembly, the press, and the general public to attend all sessions of said standing committees or permanent subcommittees.

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

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

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

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

(1) 15 minutes preceding a regular session of the House, and

(2) 10 minutes preceding the hour of the next regularly scheduled standing committee or permanent subcommittee meeting.

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

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

RULE 28.1. **Ethics Committee Investigations Into Violations of the Open Meetings Law.** – (a) On its own motion, or in response to signed and sworn complaint of any individual filed with the Standing Committee on Ethics, the Committee shall inquire into any alleged violation by members of the House of the Open Meetings Law (Article 33C of Chapter 143 of the General Statutes), as the same may be amended in the future.

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

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

(1) Dismiss the complaint and take no further action.

(2) Issue a private letter of reprimand to the legislator, if the legislator unintentionally violated the provisions of the Open Meetings Law.

(3) Issue a public letter of reprimand if the violation of the Open Meetings Law was intentional, or if the legislator has previously received a private letter of reprimand. The Chair of the Committee on Ethics shall have the public letter of reprimand spread on the pages of the House Journal.

(4) Refer the matter to the House for appropriate action.

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

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

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

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

RULE 29.2. **Minutes to Legislative Library.** – The Chair of a standing committee or a permanent subcommittee shall insure that written minutes are compiled for each of the body's meetings. The minutes shall indicate the members present and the actions taken at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The Speaker of the House may grant a reasonable extension of time for filing said minutes upon written application of the chair.

RULE 30. **Standing Committee of the Whole House.** – (a) A Standing Committee of the Whole House shall not be formed, except by suspension of the rules, if there be objection by any member.

(b) After passage of a motion to form a Standing Committee of the Whole House, the Speaker shall appoint a Chair to preside in the standing committee, and the Speaker shall leave the dais.

(c) The rules of procedure in the House shall be observed in the Standing Committee of the Whole House, so far as they may be applicable, except the rule limiting the time of speaking and the previous question.

(d) In the Standing Committee of the Whole House, a motion that the standing committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

(e) When a bill is submitted to the Standing Committee of the Whole House, it shall be read and debated by sections, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Principal Clerk on a separate paper as the same shall be agreed to by the standing committee, and be so reported to the House. After report, the bill shall again be subject to be debated and amended by sections before a question on its passage be taken.

VI. Handling of Bills

RULE 31. **Introduction of Bills and Resolutions.** – (a) All bills and resolutions shall be introduced by submitting same to the Principal Clerk's office on the legislative day prior to the first reading and reference thereof according to the following schedule: by 30 minutes after adjournment each Monday; and by 3:00 P.M. each Tuesday, Wednesday, Thursday, and Friday.

(b) Bills shall not become resolutions provided the Senate has a similar rule. Resolutions shall not become bills. Resolutions are not law but may be used when a law is not necessary for the purpose contained therein. Resolutions shall not be used to appropriate funds for any purpose, but may be used to create study commissions or committees or establish investigative committees, to honor deceased persons, and to adopt House rules and internal affairs. Resolutions cannot amend, repeal, or modify a statute; nor do they have life beyond the term of the session during which they are adopted.

(c) Every bill or resolution shall be read in regular order of business, except upon permission of the Speaker or on the report of a standing committee.

(d) All bills and resolutions shall show in their captions a brief descriptive statement of the true substance of same, which captions may thereafter be amended. Captions of public bills may be amended only by amendment proposed by the standing committee to which the bill was referred. Third reading shall not be had on any bill or resolution on the same day that such caption is amended.

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

"House Committee Substitute for_____".

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

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

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

RULE 31.1. **Deadlines on Introduction and Receipt; Single Subject Rule.** – (a) All public bills or resolutions recommended by commissions or standing committees authorized or directed by act or resolution of the General Assembly to report to the 2001 Regular Session of the General Assembly, or to report prior to convening of that session, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28) of the first year of the biennial session; and

(a1) All bills prepared to be introduced for departments, agencies, or institutions of the State must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in February (February 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (February 28). A bill introduced under this subsection shall be identified as an Agency Bill after its short title.

(a2) All local bills must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in March (March 21) and must be introduced not later than 3:00 P.M. on the next Wednesday (March 28) of the first year of the biennial session.

(b) All public bills which would not be required to be re-referred to the Appropriations or Finance Committees under Rule 38 must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in April (April 4) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 11) of the first year of the biennial session.

(c) All public bills which under Rule 38 would be required to be re-referred to the Appropriations Committee, or to both the Appropriations and Finance Committees, must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the third Wednesday in April (April 18) and must be introduced not later than 3:00 P.M. on the next Wednesday (April 25) of the first year of the biennial session. All public bills which under Rule 38 would be required to be re-referred to the Finance Committee but not the Appropriations Committee must have been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on the first Wednesday in May (May 2) and must be introduced not later than 3:00 P.M. on the next Wednesday (May 9) of the first year of the biennial session. If any bill is eligible for introduction on account of the date only under this subsection, and the bill is amended so that qualifying appropriation or tax law change does not remain in the bill, it shall not be eligible for further consideration. For the purpose of this section, a "tax law change" includes any provision that would require a bill under Rule 38(b) to be referred to the Standing Committee on Finance.

(d) In order to be eligible for consideration by the House during the first Regular Session, all Senate bills other than finance or appropriations bills which would be required to be re-referred to the Appropriations or Finance Committees under Rule 38 or adjournment resolutions, must be received and read on the floor of the House as a

message from the Senate no later than April 26; provided that a message from the Senate received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this subsection and provided that the Senate has a similar rule.

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

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

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

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

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

(2) Favorable, without prejudice, or unfavorable as to the original bill, as amended, with the recommendation that the report be made to the standing committee;

(3) Favorable or without prejudice to the proposed committee substitute, and unfavorable to the original bill, with the recommendation that the report be made to the standing committee;

(4) Favorable as to the original bill with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair;

(5) Favorable to the original bill, as amended, with the recommendation that the report be made directly to the floor of the House, if approved by the standing committee chair; or

(6) Favorable to the proposed committee substitute with the recommendation that the report be made directly to the floor of the

House, if approved by the standing committee chair, and unfavorable to the original bill.

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

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

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

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

(b) Numbering of House Bills shall be designated as "H.B.___." (No. following). A Joint Resolution shall be designated as "H.J.R. ___."(No. following). A House Resolution shall be designated as "H.R.___." (No. following).

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

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

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

RULE 35.1. **Assessment Reports.** – (a) Every bill or resolution proposing the establishment of an occupational or professional licensing board, as defined in

Article 18A of Chapter 120 of the General Statutes, or a study for the need to establish such a board shall have attached to the jacket of the original bill or resolution at the time of its consideration on second and third readings by the House or by any standing committee or permanent subcommittee of the House, an assessment report from the Legislative Committee on New Licensing Boards pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board. Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days.

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

RULE 36. **Report by Standing Committee or Permanent Subcommittee.** – (a) **When Reports Required.** – All House bills and resolutions shall be reported from the standing committee or permanent subcommittee to which referred with such recommendations as the standing committee or permanent subcommittee may desire to make except in the case where the principal introducer requests in writing to the chair of the standing committee or permanent subcommittee that the bill not be considered.

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

(b) **Favorable Report.** – When a standing committee or permanent subcommittee reports a bill with the recommendation that it be passed, the bill shall be placed on the favorable calendar on the day and in the order designated by the Chair of the Committee on Rules, Calendar, and Operations of the House, but no later than the fourth legislative day after submission of the report or Senate message under Rule 43.2 or Rule 43.3(a), unless:

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

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

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

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

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

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

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

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

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

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

problems. The Fiscal Research Division shall make the fiscal note available to the membership of the House.

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

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

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

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

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

(2) Program of hospital, medical, disability or related benefits provided for teachers and State employees, funded in whole or in part by State funds shall have attached to it at the time of its consideration by any standing committee or permanent subcommittee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any standing committee or any permanent subcommittee, shall be separate there from, and shall be clearly designated as an actuarial note. A bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement upon its introduction.

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

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

hospital, medical, disability, or related benefits for local government employees not administered by the State.

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

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

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

RULE 36.3. **Local Legislation Affecting State Highway System.** – A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

RULE 37. **Removing Bill From Unfavorable Calendar.** – A bill may be removed from the unfavorable calendar upon motion carried by a two-thirds vote. A motion to remove a bill from the unfavorable calendar is debatable.

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

(1) Carries an appropriation from the State; or

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

(b) All standing committees, other than the Standing Committee on Finance, when favorably reporting any bill which in any way or manner raises revenue, reduces revenue, levies a tax, authorizes the levying of a tax, an assessment, or a fee, or authorizes the issue of bonds or notes, whether public, public-local, or private, shall

indicate same in the report, and said bill shall be referred to the Standing Committee on Finance for a further report before being acted upon by the House.

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

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

(b) This rule shall not be temporarily suspended without one day's notice on the motion given in the House and delivered in writing to the chair of the standing committee, and to sustain that motion two-thirds of the members of the House shall be required.

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

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

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

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

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

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

(1) Been tabled,

(2) Been postponed indefinitely,

(3) Failed to pass on any of its readings, or

(4) Been placed on the unfavorable calendar,

the contents of that bill or the principal provisions of its subject matter shall not be considered in any other measure originating in the Senate or originating thereafter in the House. Upon the point of order being raised and sustained by the Chair, that measure shall be laid upon the table, and shall not be taken there from except by a two-thirds vote of the members present and voting.

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

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

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

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

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

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

RULE 43.2. **House Concurrence in Senate Amendments to House Bills.** – When the House receives a Senate amendment to a bill originating in the House, it shall be placed on the calendar in accordance with Rule 36(b).

RULE 43.3. **Committee Substitutes Adopted by the Senate to Bills Originating in the House; Procedure for Treatment of Material Amendments Thereto.** – (a) Whenever the Senate has adopted a committee substitute for a bill originating in the House and has returned the bill to the House for concurrence in that committee substitute, it shall be placed on the calendar in accordance with Rule 36(b).

(b) The Speaker shall rule whether the committee substitute is a material amendment under Article II, Section 23 of the State's Constitution which reads:

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

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

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

(2) Advise the Speaker as to whether or not that committee substitute is a material amendment under Article II, Section 23 of the North Carolina Constitution.

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

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

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

RULE 44. **Conference Standing Committees.** – (a) Whenever the House shall decline or refuse to concur in amendments put by the Senate to a bill originating in the House, or shall refuse to concur in a substitute adopted by the Senate for a bill originating in the House or whenever the Senate shall decline or refuse to concur in amendments put by the House to a bill originating in the Senate, or shall refuse to concur in a substitute adopted by the House for a bill originating in the Senate, a conference committee may be appointed by the Speaker upon the Speaker's own motion and shall be appointed upon request by the principal sponsor of the original bill,

the chair of the House standing committee which reported the bill, or by the sponsor of the amendment in which the Senate refused to concur; and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the House and Senate. In appointing members to conference committees, the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

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

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

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

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

VII. Legislative Officers and Employees

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

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

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

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

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

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

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

RULE 48. **Member's Staff.** – (a) Each standing committee and permanent subcommittee shall have a committee assistant. The committee assistant to a standing committee or permanent subcommittee shall serve as staff to the chair of the standing committee or permanent subcommittee.

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

(c) The selection and retention of committee assistants, legislative assistants, and office assistants shall be the sole prerogative of the individual member or members. Such staff shall file initial applications for employment with the Principal Clerk and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of such staff shall commence not earlier than the convening date of the General Assembly and shall terminate not later than the final adjournment or recess of the General Assembly unless employment for an extended period is approved by the Speaker. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform rules and regulations not inconsistent with these rules regarding hours and other conditions of employment as the Legislative Services Commission shall fix by appropriate regulations.

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

VIII. Privileges of the Hall

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

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

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

RULE 53. **Order in House Chamber, Galleries, and Lobby.** – In case of any disturbance or disorderly conduct in the House Chamber, galleries, or lobby, the Speaker or other presiding officer is empowered to order the same to be cleared to the extent they deem necessary.

IX. General Rules

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

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

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

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

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

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

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

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

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

RULE 60. **Correcting of Typographical Errors.** – The Legislative Services Officer may correct typographical errors appearing in House bills or resolutions provided that such corrections are made before ratification and do not conflict with any

actions or rules of the Senate and provided further that such correction be approved by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House, the Speaker, or other presiding officer.

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

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

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

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

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

Section 2. This resolution is effective upon adoption.

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. 49 A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE REGULAR SESSIONS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES OF THE 2001 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, unfavorable as to original bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ 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
Name of Committee

2-6-01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Ken McHon	Alley Associates
Beth Bizzell	Alley Associates
[illegible]	NCAHP
[illegible]	WCSR
Joyce Peters	
Natalie English	Charlotte Chamber
[illegible]	Public School Forum
Kevin Leonard	Dept. of Labor
Mary Carmibia	REBIC
Brian Francis	Meck. County
John Bowdish	Alley Assoc.
Julie White	Boddie's Office
Wendy Willock	with Gerry Cohen in Bill Drafting
Crissy Porter	Bone & Associates

VISITOR REGISTRATION SHEET

Rules
Name of Committee

2-6-01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
Andy Lomeno	NCLM.

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
FEBRUARY 14, 2001
10:00 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SJR 128 – A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES

ADJOURNMENT

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

February 14, 2001

The Committee on Rules, Calendar and Operations of the House met on February 14, 2001 at 10:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Barefoot, Barnhart, Buchanan, Crawford, Culp, Gibson, Gulley, Jarrell, McComas, Rogers, Sherrill, Yongue, and ex officio members Baddour, Dedmon, and Earle.

The following resolution was considered:

SENATE JOINT RESOLUTION 128 – A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. The chairman stated that the sponsor, Senator Rand, was not present but explained that the resolution was worded the same as prior resolutions except for the dates and the name of the governor. Following the chairman's remarks, Representative Buchanan moved that the resolution be given a favorable report. The motion carried.

There being no further business, the meeting adjourned at 10:05 a.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE JOINT RESOLUTION 128

Sponsors:	Senator Rand.
Referred to:	Rules Suspended; Calendar 2-13-01.

February 12, 2001

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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

SECTION 1. A committee of five Senators appointed by the President Pro Tempore of the Senate and five Representatives appointed by the Speaker of the House of Representatives shall notify His Excellency, Governor Michael F. Easley, that the General Assembly is organized and is ready to proceed with public business and to invite him to address a joint session of the Senate and House of Representatives in the Hall of the House of Representatives at 7:00 P.M. on Monday, February 19, 2001.

SECTION 2. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from 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. 128 A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

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

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

2/7/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

2/14/01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wilms	NCHBA
Esthering Davis	Electric Cities
Anne Garland	"
Crissy Porter	Bone & Associates
John Goodrich	Alley Associates
Ann Lane	DNHS
W. Ray Riddick	DOR
Mark Donegan	Capitol Group
Jean Upchurch	Progress Energy
Tim Minton	NC Home Builders

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
FEBRUARY 20, 2001

ROOM 421
LEGISLATIVE OFFICE BUILDING
11:00 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 139 – A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER

HJR 60 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS

ADJOURNMENT

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

February 20, 2001

The Committee on Rules, Calendar and Operations of the House met on February 20, 2001 at 11:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Barefoot, Barnhart, Boyd-McIntyre, Crawford, Culp, Gibson, Gulley, Jarrell, Justus, McComas, McCombs, McMahan, Morgan, Rogers, Sherrill, Thompson and Yongue.

The following resolutions were considered:

HOUSE JOINT RESOLUTION 139 – A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER. A proposed committee substitute was offered and Representative Boyd-McIntyre moved for its adoption. The motion carried. Representative Womble, sponsor, was recognized to present the resolution. He stated that the name "Buffalo Soldiers" was given to the members of the 9th and 10th Cavalries by Native Americans because of their tenacity and fierce fighting spirit which reminded them of the rugged buffalo and also because of their hair which resembled that of the buffalo. He further said that members of the 9th and 10th Cavalries from North Carolina included Sgt. William McBryer from Elizabethtown, Frank Pullen from Enfield and Wade Hammond from Durham. Following Representative Womble's presentation, Representative Rogers moved that the committee substitute be given a favorable report, unfavorable as to the original resolution. The motion passed.

HOUSE JOINT RESOLUTION 60 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS. Representative Barefoot, sponsor, was recognized and stated that George Henry White was not only the last black North Carolinian serving in the United States Congress in 1901 when he made the address, he was the last black American serving in Congress, and it was not until Eva Clayton and Mel Watt were elected in the twentieth century that another African American served in the Congress. He further stated that the speech in the House of Representatives was one of the greatest in American history. Following Representative Barefoot's presentation, Representative Crawford moved that the resolution be given a favorable report, which motion carried.

There being no further business, the meeting adjourned at 11:10 a.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 139

Sponsors:	Representatives Womble; Alexander, Barefoot, Bell, Blue, Bonner, Cox, Earle, Esposito, Fitch, Fox, Goodwin, Gray, Hall, Hensley, Hill, Holliman, Hunter, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Oldham, Sexton, Sutton, Tolson, Wainwright, Warren, Weiss, and Yongue.
Referred to:	Rules, Calendar, and Operations of the House.

February 15, 2001

A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER.

Whereas, more than 180,000 African-Americans served in the Union Army during the Civil War; and

Whereas, in 1866, Congress enacted legislation which established two cavalry and four infantry regiments whose enlisted members were to be composed of African-Americans; and

Whereas, the two cavalries and four regiments were later consolidated into the 9th and 10th Cavalries; and

Whereas, the 9th and 10th Cavalries served in the Native American campaigns in the West, fought in the Spanish American War, saw tours of duty in the Philippine Islands, enforced neutrality laws along the Mexican Border, protected mail and travel routes, erected hundreds of miles of telegraph lines, explored and mapped terrain in the Southwest, built and repaired frontier outposts and roads, protected the crews building the railroads, and enforced law and order; and

Whereas, these African-American soldiers were nicknamed Buffalo Soldiers by the Comanche because the soldiers' fierce fighting spirit and dogged trail skills reminded the Comanche of the rugged and revered buffalo; and

Whereas, Buffalo Soldiers earned 25 Medals of Honor, also referred to as the Congressional Medal of Honor, the highest distinction a soldier can earn for valor on the battlefield; and

Whereas, during peacetime from 1920 through 1941, Buffalo Soldiers formed efficient horse and marksmanship units; and

Whereas, as the United States entered World War II, new wartime technology and the gradual desegregation of the military eventually brought an end to the 9th and 10th Cavalries; and

Whereas, the United States owes a great debt of gratitude to the bravery and sacrifice of the Buffalo Soldiers; Now, therefore,

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

SECTION 1. The General Assembly wishes to pay tribute to the Buffalo Soldiers of the 9th and 10th Cavalries who gave their lives while rendering service to our country.

SECTION 2. The General Assembly encourages the citizens of this State to remember these heroic soldiers for their role in helping to shape our country.

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 139
PROPOSED COMMITTEE SUBSTITUTE H139-PCS3067-SW-1

Sponsors:

Referred to:

February 15, 2001

A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER.

Whereas, more than 180,000 African-Americans served in the Union Army during the Civil War; and

Whereas, in 1866, Congress enacted legislation that established two cavalry and four infantry regiments whose enlisted members were to be composed of African-Americans; and

Whereas, the two cavalries and four regiments were later consolidated into the 9th and 10th Cavalries; and

Whereas, the 9th and 10th Cavalries served in the Native American campaigns in the West, fought in the Spanish American War, saw tours of duty in the Philippine Islands, enforced neutrality laws along the United States' border with Mexico, protected mail and travel routes, erected hundreds of miles of telegraph lines, explored and mapped terrain in the Southwest, built and repaired frontier outposts and roads, protected the crews who built the railroads, and enforced law and order; and

Whereas, these African-American soldiers were nicknamed "Buffalo Soldiers" by the Comanche because the soldiers' fierce fighting spirit and dogged trail skills reminded the Comanche of the rugged and revered buffalo; and

Whereas, Buffalo Soldiers earned 25 Medals of Honor, also referred to as the Congressional Medal of Honor, the highest distinction a soldier can earn for valor on the battlefield; and

Whereas, during peacetime, from 1920 through 1941, Buffalo Soldiers formed efficient horse and marksmanship units; and

Whereas, as the United States entered World War II, new wartime technology and the gradual desegregation of the military eventually brought an end to the 9th and 10th Cavalries; and

Whereas, the United States owes a great debt of gratitude to the bravery and sacrifice of the Buffalo Soldiers; Now, therefore,

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

SECTION 1. The General Assembly wishes to pay tribute to the Buffalo Soldiers of the 9th and 10th Cavalries who gave their lives while rendering service to our country.

SECTION 2. The General Assembly encourages the citizens of this State to remember these heroic soldiers for their role in helping to shape our country.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s)**CULPEPPER** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE**

☐ Committee Substitute for

H.J.R. 139 A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

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

☒ With a favorable report as to committee substitute resolution, unfavorable as to original resolution.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 60

Sponsors:	Representatives Barefoot; Adams, Allen, Bell, Bonner, Boyd-McIntyre, Cunningham, Easterling, Goodwin, Hall, Lucas, Luebke, Oldham, Underhill, Wainwright, Weiss, Womble, and Yongue.
Referred to:	Rules, Calendar, and Operations of the House.

February 7, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS.

Whereas, George Henry White was born on December 18, 1852, in Bladen County, North Carolina, the son of Wiley F. and Mary White; and

Whereas, George Henry White attended public schools in North Carolina and received training under D.P. Allen, president of the Witten Normal School in Lumberton; and

Whereas, George Henry White graduated from Howard University in 1877; and

Whereas, George Henry White maintained a deep interest in education, serving with distinction as principal of the Colored Grade School, the Presbyterian parochial school in New Bern, and the State Normal School (now Fayetteville State University); and

Whereas, George Henry White studied law under Judge William J. Clarke and was granted a license to practice law by the State of North Carolina in 1879; and

Whereas, George Henry White was deeply interested and involved in the political affairs of North Carolina and the United States of America; and

Whereas, George Henry White began his political career in 1881 when he was elected to represent Craven County in the North Carolina House of Representatives; and

Whereas, George Henry White was elected to the first of two four-year terms as a State district attorney in 1886; and

Whereas, George Henry White was elected to the U.S. House of Representatives by the voters of the Second Congressional District of North Carolina in 1896, and he served with great distinction in Congress for two terms; and

Whereas, George Henry White delivered his moving farewell address in the U.S. House of Representatives on January 29, 1901, and at that time, he was the last and only African-American then serving in the Congress; and

Whereas, George Henry White was the last African-American to represent North Carolina in Congress until the election of the Honorable Eva Clayton and the Honorable Mel Watt many decades later; and

Whereas, George Henry White was an eloquent and vocal spokesman for all of the citizens of North Carolina; and

Whereas, George Henry White was a valuable and dedicated business leader who founded the first black-managed bank in Philadelphia; and

Whereas, George Henry White was a leader of a variety of fraternal and religious organizations: he was a founder and elder of Ebenezer United Presbyterian Church in New Bern; and he served as grand master of both the King Solomon Lodge No. 1 of New Bern and the Colored Masons of North Carolina; and

Whereas, George Henry White was a devoted husband and a loving father to his three children; and

Whereas, George Henry White died on December 28, 1918; and

Whereas, George Henry White will be remembered for his myriad contributions to the State of North Carolina and her citizens of all races; and

Whereas, the General Assembly wishes to show its appreciation for the life, accomplishments, and public service of George Henry White; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly expresses high esteem and regard for the extraordinary life and accomplished leadership of George Henry White and acknowledges with gratitude the distinguished service he provided to his native State.

SECTION 2. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s)Culpepper (Chair) for the Committee on Rules, Calendar and Operations of the House

☐ Committee Substitute for
H.J.R. 60 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

2/20/01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK.

NAME	FIRM OR AGENCY AND ADDRESS
DAVID M. BARNES	Poyner + Spruill, LLP
Mark Bloom	Capitol Group
Mike Causey	NC Hosp Assn
DARRYL G. NORMAND	REP. JUSTUS + SHEARIN'S INTERN

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
FEBRUARY 28, 2001

ROOM 421
LEGISLATIVE OFFICE BUILDING
10:00 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 247 – A JOINT RESOLUTION HONORING THE MILITARY PERSONNEL WHO SERVED AND HONORING THOSE WHO GAVE THEIR LIVES DURING THE PERSIAN GULF WAR ON THE TENTH ANNIVERSARY OF THE WAR

HJR 273 – A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

February 28, 2001

The Committee on Rules, Calendar and Operations of the House met on February 28, 2001 at 10:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Culp, Cunningham, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, McMahan, Sherrill, Thompson, and Yongue

The following joint resolutions were considered:

HOUSE JOINT RESOLUTION 247 – A JOINT RESOLUTION HONORING THE MILITARY PERSONNEL WHO SERVED AND HONORING THOSE WHO GAVE THEIR LIVES DURING THE PERSIAN GULF WAR ON THE TENTH ANNIVERSARY OF THE WAR. A proposed committee substitute was offered, and Representative Jarrell moved for its adoption for the purpose of discussion. Without objection, it was so ordered. Representative Morris, sponsor, was recognized to explain the joint resolution. Representative Morris stated that the resolution was for the purpose of honoring those who served in the Persian Gulf War and listed the names of the North Carolina natives who gave their lives in the war. Representative McMahon moved that the committee substitute be given a favorable report, unfavorable as to the original resolution, and the motion carried.

HOUSE JOINT RESOLUTION 273 –A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY. A proposed committee substitute was offered, and Representative McCombs moved for its adoption for the purpose of discussion. Without objection, it was so ordered. Representative Davis, sponsor, was recognized to explain the joint resolution. He stated that the resolution was requested by the Chamber of Commerce of the Town of Angier, and the celebration is planned for March 3, 2001. Representative Justus made a motion that the committee substitute be given a favorable report, unfavorable as to the original joint resolution.

There being no further business, the meeting adjourned at 10:10 a.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 247

Sponsors:	Representatives Morris, McAllister, Lucas, Hurley, Warner, Nye, Yongue; Alexander, Coates, Esposito, Goodwin, Luebke, Sexton, and Wainwright.
Referred to:	Rules, Calendar, and Operations of the House.

February 26, 2001

A JOINT RESOLUTION HONORING THE MILITARY PERSONNEL WHO SERVED AND HONORING THOSE WHO GAVE THEIR LIVES DURING THE PERSIAN GULF WAR ON THE TENTH ANNIVERSARY OF THE WAR.

Whereas, North Carolina is home to various military bases, including Camp Lejeune, Cherry Point, Fort Bragg, Pope Air Force Base, and Seymour Johnson Air Force Base; and

Whereas, more than 75,000 individuals from these military bases served during the Persian Gulf War; and

Whereas, in addition, many members of North Carolina's armed services reserve and the North Carolina National Guard also served in the Persian Gulf; and

Whereas, North Carolina actively supports all the State's military personnel, especially during times of crisis; and

Whereas, on the 10th anniversary of the Persian Gulf War, the General Assembly wishes to pay tribute to all the military personnel who served and to honor those who gave their lives during the War; and

Whereas, North Carolinians who gave their lives while serving in the Persian Gulf War are:

Army Sergeant Michael A. Harris, Jr., 26, of Pollocksville

Army Private First Class Kenneth J. Jackson, 22, of Concord

Army Private First Class Jerry L. King, 20, of Winston-Salem

Marine Corporal Victor T. Lake, Jr., 22, of Jacksonville

Army Specialist Bobby L. McKnight, 52, of Dallas

Air Force First Lt. Patrick B. Olson, 25, of Washington

Army Specialist Kenneth J. Perry, 23, of Lake Waccamaw

Army Specialist Bobby M. Ware, 21, of New Bern; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of North Carolina wishes to acknowledge the sacrifices made by military personnel from bases in North Carolina who served during the Persian Gulf War.

SECTION 2. The General Assembly of North Carolina wishes to honor the life and memory of those who died while serving in the Persian Gulf.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the commanding officer of each military base in North Carolina.

SECTION 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 247
PROPOSED COMMITTEE SUBSTITUTE H247-PCS3121-SW-2

Sponsors:

Referred to:

February 26, 2001

A JOINT RESOLUTION HONORING THE MILITARY PERSONNEL WHO SERVED AND HONORING THOSE WHO GAVE THEIR LIVES DURING THE PERSIAN GULF WAR ON THE TENTH ANNIVERSARY OF THE WAR.

Whereas, North Carolina is home to various military bases, including Camp Lejeune, Cherry Point, Fort Bragg, Pope Air Force Base, and Seymour Johnson Air Force Base; and

Whereas, more than 75,000 individuals from these military bases served during the Persian Gulf War; and

Whereas, many members of North Carolina's armed services reserve and the North Carolina National Guard also served in the Persian Gulf; and

Whereas, North Carolina actively supports all the State's military personnel, especially during times of crisis; and

Whereas, on the 10th anniversary of the Persian Gulf War, the General Assembly wishes to pay tribute to all of the military personnel who served and to honor those North Carolinians who gave their lives during the War; and

Whereas, North Carolinians who gave their lives while serving in the Persian Gulf War are:

Army Sergeant Michael A. Harris, Jr., 26, of Pollocksville

Army Private First Class Kenneth J. Jackson, 22, of Concord

Army Private First Class Jerry L. King, 20, of Winston-Salem

Marine Corporal Victor T. Lake, Jr., 22, of Jacksonville

Army Specialist Bobby L. McKnight, 52, of Dallas

Air Force First Lt. Patrick B. Olson, 25, of Washington

Army Specialist Kenneth J. Perry, 23, of Lake Waccamaw

Army Specialist Bobby M. Ware, 21, of New Bern; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of North Carolina wishes to acknowledge the sacrifices made by military personnel from bases in North Carolina who served during the Persian Gulf War.

SECTION 2. The General Assembly of North Carolina wishes to honor the life and memory of those North Carolinians who died while serving in the Persian Gulf.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the commanding officer of each military base in North Carolina.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Culpepper (Chair/Chairs) for the Committee on Rules, Calendar and Operations of the House .

☐ Committee Substitute for
H.J.R. 247 A JOINT RESOLUTION HONORING THE MILITARY PERSONNEL WHO SERVED AND HONORING THOSE WHO GAVE THEIR LIVES DURING THE PERSIAN GULF WAR ON THE TENTH ANNIVERSARY 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 resolution, unfavorable as to original resolution.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE JOINT RESOLUTION 273*

Sponsors: Representatives Davis and Cox.

Referred to: Rules, Calendar, and Operations of the House.

February 27, 2001

A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY.

Whereas, the Town of Angier was founded on the farm of J.C. "Jake" Williams, who according to the census of Harnett County in 1860 had approximately 1,300 acres of land; and

Whereas, around 1899, a railroad built by Col. Jonathan Cicero Angier was completed from Apex to Jake Williams' farm in order to haul lumber and logs; and

Whereas, a station house was erected and after much discussion was named Angier, in honor of Jonathan Cicero Angier; and

Whereas, in July of 1899, Jake Williams obtained the services of a surveyor, Daniel E. Green, to map out and plot the streets for the Town of Angier; and

Whereas, the Town of Angier was incorporated by the General Assembly on March 1, 1901; and

Whereas, the first Mayor was Jake Williams and the Board of Commissioners was composed of B.F. Williams, W.H. Gregory, and C.S. Adams, and its first Chief of Police was M.W. Denning; and

Whereas, the Town began to grow due to the lumber business, sawmills, and farming business, with cotton as the major money crop and later tobacco; and

Whereas, with the concern and dedication of its progressive citizens, the Town of Angier achieved several store buildings, gasoline lamps and eventually electric lights, a water and sewer system, paved streets, one of the best municipal buildings in the area, many churches, one of the first, if not the first, high school buildings in Harnett County, and a Chamber of Commerce; and

Whereas, the Town of Angier became known as "The Town of the Crepe Myrtles" due to a project of planting crepe myrtles along the roadways by the Angier Woman's Club in the 1930s; and

Whereas, the Town of Angier is continuing to grow, improve, and prosper through the continued dedication, insight, and planning of concerned leaders and citizens; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the founders of the Town of Angier and extends its sincere congratulations and best wishes to the Town of Angier upon the Town's 100th anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Angier.

SECTION 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 273*
PROPOSED COMMITTEE SUBSTITUTE H273*-PCS3122-SW-4

Sponsors:

Referred to:

February 27, 2001

A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY.

Whereas, the Town of Angier was founded on the farm of J.C. "Jake" Williams, who according to the census of Harnett County in 1860 had approximately 1,300 acres of land; and

Whereas, around 1899, a railroad built by Colonel Jonathan Cicero Angier was completed from Apex to Jake Williams' farm in order to haul lumber and logs; and

Whereas, a railroad station house was erected and after much discussion, was named Angier, in honor of Jonathan Cicero Angier; and

Whereas, in July of 1899, Jake Williams obtained the services of a surveyor, Daniel E. Green, to map out and plot the streets for the Town of Angier; and

Whereas, the Town of Angier was incorporated by the General Assembly on March 1, 1901; and

Whereas, the first Mayor was Jake Williams, the first Board of Commissioners was composed of B.F. Williams, W.H. Gregory, and C.S. Adams, and the first Chief of Police was M.W. Denning; and

Whereas, the Town began to grow due to the lumber, sawmill, and farming businesses, with cotton as the major money crop and later tobacco; and

Whereas, as a result of the concern and dedication of its progressive citizens, the Town of Angier achieved several store buildings, gasoline lamps and eventually electric lights, a water and sewer system, paved streets, one of the best municipal buildings in the area, many churches, one of the first, if not the first, high school buildings in Harnett County, and a Chamber of Commerce; and

Whereas, the Town of Angier became known as "The Town of the Crape Myrtles" because the Angier Woman's Club planted crape myrtles along the roadways in the 1930s; and

Whereas, the Town of Angier is continuing to grow, improve, and prosper through the continued dedication, insight, and planning of concerned leaders and citizens; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the founders of the Town of Angier and extends its sincere congratulations and best wishes to the Town of Angier upon the Town's 100th anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Angier.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 273 A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH 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 resolution, unfavorable as to original resolution.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules, Calendar and Operations of the House — February 28, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Crissy Porter	Bone McAllester
Katherine Davis	Electricities
John Bowdish	Alley Associates

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
MARCH 7, 2001
10:00 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 280 – CONVENE SESSION EARLIER

HJR 376 - A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

March 7, 2001

The Committee on Rules, Calendar and Operations of the House met on March 7, 2001 at 10:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Buchanan, Crawford, Culp, Gulley, Hill, Jarrell, Justus, McComas, McCombs, McMahan, Michaux, Setzer, Sherrill and Thompson.

The following bills were considered:

HB 280- AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS. A proposed committee substitute was offered, and Representative Crawford moved its adoption for the purpose of discussion. Without objection, it was so ordered. Representative Redwine, sponsor, was recognized to explain the bill. Representative Redwine stated that the bill would change the general statute without a constitutional amendment as to when the General Assembly convenes. The convening date would be set for the first Wednesday after the first Monday in January. There would be a two-day session at which time the organizational structure could be developed. The members could be sworn in, leadership of the Senate and House elected, temporary rules adopted and then adjournment for three weeks. The General Assembly would then reconvene at 12:00 noon on the third Wednesday thereafter. During that three-week adjournment period the Speaker and the President Pro-Tem of the Senate could appoint committees and committee chairmen. Also, bills could be filed in that interim. No per diem would be drawn; therefore, there would be no cost to the state. The structure would set in place a more timely manner when the General Assembly reconvenes and when business starts. This would help eliminate the perception by the general public that little work is accomplished the first few weeks of the session. California, Florida, Idaho, Indiana, Kansas, Kentucky Maine, New Hampshire, North Dakota, South Carolina, Virginia, and Tennessee have similar laws.

Following Representative Redwine's explanation, there were several questions and opinions stated. Representative Allred and McMahan were in support of the bill. Representative Michaux was skeptical and didn't consider the first few weeks of the session wasted time because, among other things, bills are drafted. Representative Redwine answered that the bill would not hinder drafting bills because that can be done by telephone. Representative McMahan suggested a five-week interim with the convening date set in December. The chairman stated that that would require a constitutional amendment because the December date would shorten members' terms. The term of the members who were defeated would end in December as opposed to January 1st. In answer to a question by Representative Justus, Gerry Cohen, Director of Bill Drafting, stated that a bill would be required in order to change the convening date, and to have a recess could either be done by a bill or by a joint resolution. Following

further discussion, Representative Hackney suggested that members be given time to consider the bill before a vote is taken, and Representative Redwine agreed to the suggestion. The chairman announced that a vote would not be taken at this meeting.

HOUSE JOINT RESOLUTION 376 – A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE. The chairman reminded the committee that it is customary for an invitation to be extended to the Chief Justice of the North Carolina Supreme Court to speak to the General Assembly regarding the state of the judiciary. The date of the invitation in the original bill is Monday, March 19, 2001, but the Chief Justice has indicated that he would prefer the date of Monday, March 26. Representative Setzer sent forth an amendment which accomplishes this and moved for its adoption. The motion carried. Representative Buchanan then moved that the amendment be incorporated into a committee substitute and that the committee substitute be given a favorable report, unfavorable to the original joint resolution. The motion passed.

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 2001

H 1

HOUSE BILL 280

Short Title:	Convene Session Earlier.	(Public)
Sponsors:	Representative Redwine.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-11.1 reads as rewritten:

"Article 3A.

"Sessions; Electronic Voting.

"**§ 120-11.1. Time of meeting.**

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday~~ second Wednesday in January next after their election. When the Senate and House of Representatives adjourn that day, they stand adjourned until 12:00 noon on the second Wednesday thereafter."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 280
PROPOSED COMMITTEE SUBSTITUTE H280-CSRW-3 [v.2]

3/7/2001 9:26:13 AM

Short Title: Convene Session Earlier. (Public)

Sponsors:

Referred to:

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-11.1 reads as rewritten:

"Article 3A.

"Sessions; Electronic Voting.

"**§ 120-11.1. Time of meeting.**

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday~~ first Wednesday after the first Monday in January next after their election. The Senate and House shall convene that day for a two-day session. When the Senate and House of Representatives adjourn on that Thursday, they stand adjourned until 12:00 noon on the third Wednesday thereafter."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE JOINT RESOLUTION 376

Sponsors:	Representatives Culpepper; Esposito, Gillespie, and Hilton.
Referred to:	Rules, Calendar, and Operations of the House.

March 1, 2001

A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The Honorable I. Beverly Lake, Jr., Chief Justice of the Supreme Court, is invited to address a joint session of the House of Representatives and the Senate in the Hall of the House of Representatives at 7:00 P.M., Monday, March 19, 2001.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Honorable I. Beverly Lake, Jr.

SECTION 3. This resolution is effective upon ratification.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. HJR 376 DATE 3/7/01

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 7

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the phrase "March 19," and substituting

4 the phrase "March 26,".

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **CULPEPPER** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☐ Committee Substitute for
H.J.R. 376 A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, 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 resolution, unfavorable as to original resolution.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

March 7, 2001
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Robertson	AP
Katherine Davis	ElectriCities
Jim Minton	NC Home Builders Assn
[illegible]	WCSR
John McAlister	Duke Energy
[illegible]	Progress Energy
Jeffrey Cohen	Bill Drafting
[illegible]	[illegible]
T Davis	Freedom Newspapers
Ken McMann	Allen Associates
Mike Carpenter	NCCBA

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
MARCH 29, 2001
1:10 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 51 – A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY

HJR 55 – A HOUSE RESOLUTION TO RECOGNIZE FEBRUARY 6 AS "RONALD REAGAN DAY" IN THE STATE OF NORTH CAROLINA

HJR 100 – A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES

HJR 680 – A JOINT RESOLUTION HONORING THE MEMORY AND SERVICE OF DOG HANDLERS AND VISUAL TRACKERS KILLED DURING THE VIETNAM WAR AND RECOGNIZING THE SERVICE OF MILITARY DOGS DURING THAT WAR

HJR 663 – A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE

HJR 746 – A JOINT RESOLUTION HONORING THE MEMORY OF MRS. FRANK WOODS, MRS. HUNDLEY GOVER, MRS. W. STEWART PEERY, MRS. WILLIAM H. MEANOR, MRS. BRUCE A BEERY, AND MRS. LEE A. THORNBURG, FORMER PRESIDENTS OF THE CHARLOTTE SYMPHONY GUILD UPON THE GUILD'S FIFTIETH ANNIVERSARY

HB 385 – CONSOLIDATE BUSINESS PROVISIONS

HB 432 – LICENSING SELLING OF CARS

HB 800 SPEAKER'S APPOINTMENTS

SB 243 – RED LIGHT CAMERAS/CERTAIN CITIES

HJR 701 – A JOINT RESOLUTION HONORING THE IFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

March 29, 2001

The Committee on Rules, Calendar and Operations of the House met on March 29, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gulley, Hill, Jarrell, McComas, McCombs, Rogers, Sherrill, Thompson and Yongue.

The following three joint resolutions were considered and were postponed indefinitely following a motion by Representative Boyd-McIntyre:

HOUSE JOINT RESOLUTION 51 – A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY.

HOUSE RESOLUTION 55 – A HOUSE RESOLUTION TO RECOGNIZE FEBRUARY 6 AS "RONALD REAGAN DAY" IN THE STATE OF NORTH CAROLINA.

HOUSE JOINT RESOLUTION 100 – A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

The following joint resolutions and bills were also considered:

HOUSE JOINT RESOLUTION 680 – A JOINT RESOLUTION HONORING THE MEMORY AND SERVICE OF DOG HANDLERS AND VISUAL TRACKERS KILLED DURING THE VIETNAM WAR AND RECOGNIZING THE SERVICE OF MILITARY DOGS DURING THAT WAR. Representative Morris, bill sponsor, was recognized to explain the bill. She stated that she had had a lot of email from all over the country in favor of the bill. Representative Allen moved for a favorable report, and the motion carried.

HOUSE JOINT RESOLUTION 663 – A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE. Representative Goodwin, bill sponsor, was recognized to explain the bill. He stated that it has been ten years since the fire at the Imperial Food Plant, and the resolution honors the memory of the victims of that fire. Representative Yongue moved that the resolution be given a favorable report, and the motion passed.

HOUSE JOINT RESOLUTION 746 – A JOINT RESOLUTION HONORING THE MEMORY OF MRS. FRANK WOODS, MRS. HUNDLEY GOVER, MRS. W. STEWART PEERY, MRS. WILLIAM H. MEANOR, MRS. BRUCE A. BEERY, AND

MRS. LEE A THORNBURG, FORMER PRESIDENTS OF THE CHARLOTTE SYMPHONY GUILD UPON THE GUILD'S FIFTIETH ANNIVERSARY. Representative Connie Wilson, bill sponsor, was recognized. She stated that the Symphony Guild had raised millions of dollars over the years to help children in the Charlotte to hone their musical skills and has played an important part of the philanthropic work of the community. Representative Barnhart moved for a favorable report of the joint resolution, and the motion passed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 385 – AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. The chairman stated that the bill had been given a favorable report by the Committee on Judiciary II and was re-referred to the Committee on Finance due to the fact that it recited a $200.00 fee. It was then determined that it was not a new fee, that it was only recodyfying an existing fee from one statute to another statute. The bill was then transferred to this committee so that it could be placed on the calendar. The chairman asked for a motion that the bill be reported without prejudice, and Representative Buchanan so moved. The motion passed.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 432 – AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS. Representative Culpepper stated that the bill originally contained a fee which was removed in the Committee on Transportation. It was given a favorable report by that committee and erroneously referred to the Committee on Finance. It has since been re-referred to the Rules Committee and needs to be moved so that it can be placed on the calendar. He then requested a motion that the committee substitute be reported without prejudice. Representative Crawford so moved, and the motion passed.

The chairman requested Representative Hackney to preside so that he, as sponsor, could present the following three bills:

HOUSE BILL 800 – AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. Following a brief explanation by the sponsor, Representative Boyd-McIntyre moved that that the bill be given a favorable report, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 243 – AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWN TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED. A proposed House committee substitute was presented, and Representative Setzer moved for its adoption. The motion

carried. Representative Culpepper stated that the proposed committee substitute adds the name of Nags Head to the bill. Representative Buchanan sent forth an amendment removing Hickory and Newton from the bill and moved for its adoption. The motion carried. A discussion followed, after which Representative Culpepper asked for a motion to incorporate the amendment into a new committee substitute and that the new committee substitute be reported without prejudice and be re-referred to the Committee on Judiciary II. Representative Buchanan so moved and the motion carried.

HOUSE JOINT RESOLUTION 701 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA. Representative Culpepper was recognized and briefly explained the resolution. Representative Buchanan made a motion for a favorable report, which motion passed.

There being no further business, the motion adjourned at 1:30 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 51*

Sponsors:	Representatives Gibson; and Goodwin.
Referred to:	Rules, Calendar, and Operations of the House.

February 6, 2001

A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY.

Whereas, the Town of Biscoe was first known as "Filo", but was named "Biscoe" after Major Biscoe, a respected Philadelphia lumber and grain merchant, who bought such large amounts of lumber and grain from the region; and

Whereas, the General Assembly ratified an act to incorporate the Town of Biscoe on January 29, 1901; and

Whereas, the first officers of the Town of Biscoe were Mayor William B. Hicks, Commissioners Frank K. Sturdivant, William H. Thompson, Junius R. Page, Arthur W. Burt, Sr., Charles C. Martin, and Town Marshall J. William Ewing; and

Whereas, the founding fathers of the Town of Biscoe included many members of the prominent Page family, including Robert N. Page, who donated the land on which the first school was built and served as a United States Congressman; Frank Page, who was manager of the Aberdeen and Asheboro Railway Company and later played a significant role in making North Carolina known as the "Good Roads State"; Walter H. Page, who was Ambassador to Great Britain; and Junius R. Page who was one of the first Town Commissioners; and

Whereas, due in great part to the railroad owned and operated by the Page family, industry and economic growth surged and the Town of Biscoe soon prospered; and

Whereas, several of the industries formed in the early days of the Town of Biscoe, most notably the cotton mill, the foundry, and various machine industries continue to be major employers in the area; and

Whereas, because of the dedication of Town leaders to the education of the citizens of Biscoe, the Town of Biscoe is home to one of the first State-supported high schools in North Carolina and is the site of one of the oldest existing school buildings erected specifically to house a State-supported high school; and

Whereas, for years, children traveled more than 20 miles from Randolph and Moore Counties by rail to attend school in the Town of Biscoe; and

Whereas, as in the early days, the schools are still the center for social activity in the Town; and

Whereas, the Town of Biscoe's citizens have always been in the forefront when it was necessary to send young men and women to serve in time of war and several of the Town's finest and brightest young men have given their lives for our country; and

Whereas, the Town of Biscoe is known as the "Crossroads of the World" and will continue to grow and prosper through the next century because of the dedication and insight of its leaders and citizens in making wise decisions just as their founding fathers did in 1901; and

Whereas, the citizens of the Town of Biscoe wish to celebrate its centennial event by honoring those from the past who worked so hard or gave their lives to make sure that the Town would always be a great place to live; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly wishes to honor the founders of the Town of Biscoe and extends its sincere congratulations and best wishes to the Town of Biscoe upon the Town's centennial anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Biscoe.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 51 A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 55

Sponsors:	Representatives Daughtry; Allred, Arnold, Baker, Blust, Cansler, Capps, Carpenter, Culp, Davis, Decker, Eddins, Ellis, Esposito, Hilton, Holmes, Johnson, Justus, Mitchell, Morgan, Morris, Pope, Preston, Russell, Sexton, Shubert, Warner, Weatherly, West, and G. Wilson.
Referred to:	Rules, Calendar, and Operations of the House.

February 7, 2001

A HOUSE RESOLUTION TO RECOGNIZE FEBRUARY 6 AS "RONALD REAGAN DAY" IN THE STATE OF NORTH CAROLINA.

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he was victorious in 49 of the 50 states in the general election, earning the confidence of three-fifths of the electorate – a record unsurpassed in the history of American presidential elections; and

Whereas, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, during Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to win the Gulf War; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, on February 6, 2001, Ronald Reagan will have reached the age of ninety years, thus becoming the oldest former President in the history of our nation; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives recognizes February 6, 2001, and subsequent anniversaries, as "Ronald Reagan Day."

SECTION 2. This resolution is effective upon adoption.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.R. 55 A HOUSE RESOLUTION TO RECOGNIZE FEBRUARY 6 AS "RONALD REAGAN DAY" IN THE STATE 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 ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 100*

Sponsors:	Representatives Baddour; Alexander, Goodwin, and Jeffus.
Referred to:	Rules, Calendar, and Operations of the House.

February 13, 2001

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. A committee of five Senators appointed by the President Pro Tempore of the Senate and five Representatives appointed by the Speaker of the House of Representatives shall notify His Excellency, Governor Michael F. Easley, that the General Assembly is organized and is ready to proceed with public business and to invite him to address a joint session of the Senate and House of Representatives in the Hall of the House of Representatives at 7:00 P.M. on Monday, February 19, 2001.

SECTION 2. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 100 A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☒ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

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 2001

HOUSE JOINT RESOLUTION 680

Sponsors: Representatives Morris and Gibson (Primary Sponsors).

Referred to: Rules, Calendar, and Operations of the House.

March 19, 2001

A JOINT RESOLUTION HONORING THE MEMORY AND SERVICE OF DOG HANDLERS AND VISUAL TRACKERS KILLED DURING THE VIETNAM WAR AND RECOGNIZING THE SERVICE OF MILITARY DOGS DURING THAT WAR.

Whereas, since World War II, the United States military has employed the use of dogs to help ensure the safety of its military personnel; and

Whereas, during the Vietnam War, thousands of American families donated their dogs to the military; and

Whereas, these dogs were used to walk point, leading the platoons with a handler to scout out such dangers as snipers and bombs; and

Whereas, because of the effectiveness of these dogs, bounties were offered on them and their handlers; and

Whereas, over 265 dog handlers and visual trackers were killed in action during the Vietnam War; and

Whereas, several soldiers assigned to the military dog corps from North Carolina died during the Vietnam War, including: James Boyd of Winston-Salem who died on February 28, 1968; David Schanner of Charlotte who died on May 14, 1969; Kenneth Burlock, Jr. of Jacksonville who died on September 17, 1969; and Jimmy Adams of Fayetteville who died on November 2, 1970; and

Whereas, of the 4,000 dogs that served during the Vietnam War, 281 were officially listed as killed in action, 500 died in service, 190 were returned to the United States, and the remainder were left behind in Vietnam; and

Whereas, over 10,000 soldiers cared for and formed unique bonds with these dogs; and

Whereas, these dogs ought to be recognized for their service; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory and service of James Boyd, David Schanner, Kenneth Burlock, Jr., and Jimmy Adams and other dog

handlers and visual trackers killed during the Vietnam War and recognizes the service of military dogs during that war.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Vietnam Dog Handler Association.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 680 A JOINT RESOLUTION HONORING THE MEMORY AND SERVICE OF DOG HANDLERS AND VISUAL TRACKERS KILLED DURING THE VIETNAM WAR AND RECOGNIZING THE SERVICE OF MILITARY DOGS DURING THAT 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 it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

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 2001

H 1

HOUSE JOINT RESOLUTION 663

Sponsors:	Representatives Goodwin; Adams, Alexander, Allen, Baddour, Barefoot, Barnhart, Bell, Blue, Blust, Bonner, Boyd-McIntyre, Carpenter, Church, Coates, Cole, Crawford, Creech, Cunningham, Dedmon, Earle, Easterling, Fitch, Fox, Gibson, Hackney, Hall, Harrington, Hensley, Hill, Howard, Insko, Jeffus, Johnson, Lucas, Luebke, McLawhorn, Michaux, Morris, Nesbitt, Oldham, Redwine, Russell, Saunders, Sherrill, Sutton, Tolson, Tucker, Underhill, Wainwright, Walker, Warner, Warren, Weatherly, Weiss, West, Womble, Wright, and Yongue.
Referred to:	Rules, Calendar, and Operations of the House.

March 19, 2001

A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE.

Whereas, on September 3, 1991, a grease fire swept quickly through the Imperial Food Products plant, a chicken processing plant in Hamlet, North Carolina; and

Whereas, blocked and unmarked exits and locked doors and the absence of fire alarms and a sprinkler system resulted in the deaths of 26 people and injuries to 56 others; and

Whereas, the victims of the Imperial Food Products plant fire were:

David Michael Albright
Peggy Jean Anderson
Margaret Teresa Banks
Fred Ernest Barrington
Josephine Barrington
Elizabeth Ann Bellamy
Gail V. Campbell
Rosie Ann Chambers
Josie M. Coulter
John R. Gagnon
Bertha C. Jarrell
Brenda Gail Kelly
Janice Marie Lynch

Michael Morrison
Rose Marie Peele
Mary Alice Quick
Cynthia Marie Ratliff
Martha E. Ratliff
Donald Bruce Rich
Minnie Mae Thompson
Cynthia S. Wall
Mary Lillian Wall
Jeffrey Antonio Webb
Rose Lynette Wilkins; and

Whereas, Patricia Hatcher, who received serious injuries in the fire, died in 2000; and

Whereas, Phillip Ray Dawkins, a Lance Company worker, also died in the fire; and

Whereas, the fire not only caused the loss of life and injury but also resulted in the closing of the Imperial Food Products plant and the loss of 200 jobs; and

Whereas, the fire is the worst industrial disaster in North Carolina history; and

Whereas, stricter workplace safety laws were enacted after the fire to help prevent this type of tragedy from happening again; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly extends its deepest sympathy to the families and friends of the victims of the Imperial Food Products plant fire in Hamlet, North Carolina.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to each of the survivors and the families of the victims of the fire, and the Mayor of the City of Hamlet.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 663 A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 746

Sponsors:	Representatives C. Wilson; Black, Alexander, Earle, Easterling, Gulley, Harrington, McMahan, Rayfield, and Saunders.
Referred to:	Rules, Calendar, and Operations of the House.

March 22, 2001

A JOINT RESOLUTION HONORING THE MEMORY OF MRS. FRANK WOODS, MRS. HUNDLEY GOVER, MRS. W. STEWART PEERY, MRS. WILLIAM H. MEANOR, MRS. BRUCE A. BEERY, AND MRS. LEE A. THORNBURG, FORMER PRESIDENTS OF THE CHARLOTTE SYMPHONY GUILD UPON THE GUILD'S FIFTIETH ANNIVERSARY.

Whereas, The Symphony Guild of Charlotte is dedicated to youth music education through its many projects which offer young people throughout the Charlotte Metropolitan Area varied opportunities to experience classical music; and

Whereas, The Symphony Guild of Charlotte has supported The Charlotte Symphony Youth Orchestra and The Junior Youth Orchestra, solely underwritten The Summer Resident Music Camp for over 30 years, and sponsored The Young Artists Competition for over 20 years and The Youth Festival for 14 years; and

Whereas, The Guild's projects, in particular, The Summer Resident Music Camp, The Youth Festival, and The Symphony Guild ASID Showhouse, have received national recognition by The American Symphony Orchestra League and serve as models for other nonprofit organizations throughout the nation; and

Whereas, The Guild was recognized locally for its long, continuous commitment to the cultural fabric of the Charlotte community with the prestigious Spirit Award from Royal and SunAlliance and The Mint Museum; and

Whereas, the week of April 1, 2001, has been declared The Symphony Guild Music Education Week in the City of Charlotte; and

Whereas, under the leadership of its current president and of its former presidents, The Guild is celebrating 50 years of support for symphonic music; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Mrs. Frank Woods, Mrs. Hundley Gover, Mrs. W. Stewart Peery, Mrs. William H. Meanor, Mrs. Bruce A. Beery, and Mrs. Lee A. Thornburg for their role in leading The Symphony

Guild of Charlotte. The General Assembly expresses its appreciation to The Symphony Guild of Charlotte for its dedication to youth music education and congratulates The Guild on its 50th anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to The Symphony Guild of Charlotte.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 746 A JOINT RESOLUTION HONORING THE MEMORY OF MRS. FRANK WOODS, MRS. HUNDLEY GOVER, MRS. W. STEWART PEERY, MRS. WILLIAM H. MEANOR, MRS. BRUCE A BEERY, AND MRS. LEE A THORNBURG, FORMER PRESIDENTS OF THE CHARLOTTE SYMPHONY GUILD UPON THE GUILD'S 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 385*

Committee Substitute Favorable 3/7/01

Short Title: Consolidate Business Provisions. (Public)

Sponsors:

Referred to: FINANCE

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

PART I. CONSOLIDATION OF FILING REQUIREMENTS.

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 55D.

"Filings for

Corporations, Nonprofit Corporations, Limited Liability Companies, Limited Partnerships, and Limited Liability Partnerships.

"Article 1.

"General Provisions.

"**§ 55D-1. Applicable definitions.**

The following definitions apply in this Chapter:

(1) 'Corporation' or 'domestic corporation' is defined in G.S. 55-1-40(4).

(2) 'Deliver' is defined in G.S. 55-1-40(5).

(3) 'Entity' is defined in G.S. 55-1-40(9).

(4) 'Foreign corporation' is defined in G.S. 55-1-40(10).

(5) 'Foreign limited liability company' is defined in G.S. 57C-1-03(8).

(6) 'Foreign limited liability partnership' is defined in G.S. 59-32(4a).

(7) 'Foreign limited partnership' is defined in G.S. 59-102(5).

(8) 'Foreign nonprofit corporation' means a foreign corporation as defined in G.S. 55A-1-40(11).

(9) 'Individual' is defined in G.S. 55-1-40(13).

(10) 'Limited liability company' or 'domestic limited liability company' is defined in G.S. 57C-1-03(11).
(11) 'Limited liability partnership' or 'registered limited liability partnership' means a registered limited liability partnership as defined in G.S. 59-32(7).
(12) 'Limited partnership' or 'domestic limited partnership' is defined in G.S. 59-102(8).
(13) 'Nonprofit corporation' or 'domestic nonprofit corporation' means a corporation as defined in G.S. 55A-1-40(5).
(14) 'Person' is defined in G.S. 55-1-40(16)."

SECTION 2. Chapter 55D of the General Statutes, as enacted by this act, is amended by adding a new Article to read:

"Article 2.

"Submission of Documents to the Secretary of State for Filing."

SECTION 3.(a) G.S. 55-1-20(a) through (e) and (g) through (i) are recodified as G.S. 55D-10 in Article 2 of Chapter 55D of the General Statutes, as enacted by this act. The catch line of G.S. 55D-10, as enacted by this section, is "Filing requirements."

SECTION 3.(b) G.S. 55-1-22.1, 55-1-22.2, 55-1-23, 55-1-24, 55-1-25, 55-1-26, 55-1-27, and 55-1-29 are recodified as G.S. 55D-11, 55D-12, 55D-13, 55D-14, 55D-15, 55D-16, 55D-17, and 55D-18, respectively, in Article 2 of Chapter 55D of the General Statutes.

SECTION 4. Article 2 of Chapter 55D of the General Statutes, as enacted by Section 2 and amended by Section 3 of this act, reads as rewritten:

"Article 2.

"Submission of Documents to the Secretary of State for Filing.

"§ 55D-10. Filing requirements.

(a) To be entitled to filing by the Secretary of State under ~~this Chapter,~~ Chapter 55, 55A, 55B, 57C, or 59 of the General Statutes, a document must satisfy the requirements of this section, and of any other section of the General Statutes that adds to or varies these requirements.

(b) The document must meet all of the following requirements:

(1) The document must be one that is required or permitted by ~~this Chapter~~ Chapter 55, 55A, 55B, 57C, or 59 of the General Statutes to be filed in the office of the Secretary of State.

~~(c)~~ (2) The document must contain the information required by ~~this Chapter.~~Chapter 55, 55A, 55B, 57C, or 59 of the General Statutes for that document. It may contain other information as well.

~~(d)~~ (3) The document must be ~~typewritten or printed.~~ typewritten, printed, or in an electronic form acceptable to the Secretary of State.

~~(e)~~ (4) The document must be in the English language. A ~~corporate~~ name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign

~~corporations~~ corporations, foreign nonprofit corporations, foreign limited liability companies, and foreign limited liability partnerships need not be in English if accompanied by a reasonably authenticated English translation.

(5) A document submitted by an entity must be executed by a person authorized to execute documents (i) under G.S. 55-1-20 if the entity is a domestic or foreign corporation, (ii) under G.S. 55A-1-20 if the entity is a domestic or foreign nonprofit corporation, (iii) under G.S. 57C-1-20 if the entity is a domestic or foreign limited liability company, (iv) under G.S. 59-204 if the entity is a domestic or foreign limited partnership, or (v) under G.S. 59-35.1 if the entity is any other partnership as defined in G.S. 59-36 whether or not formed under the laws of the State.

~~(g)~~ (6) The person executing the document ~~shall~~ must sign it and state beneath or opposite ~~his signature his name~~ the person's signature, the person's name, and the capacity in which ~~he~~ the person signs. Any signature on the document may be a facsimile or an electronic signature in a form acceptable to the Secretary of State. The document may but need not ~~contain:~~

~~(1) The corporate seal;~~

~~(2) An attestation by the secretary or an assistant secretary; and~~

~~(3) An acknowledgement, verification, or proof.~~ contain a seal, attestation, acknowledgment, verification, or proof.

~~(h)~~ (7) If the Secretary of State has prescribed a mandatory form for the ~~document under G.S. 55-1-21,~~ document, the document must be in or on the prescribed form.

~~(i)~~ (8) The document must be delivered to the office of the Secretary of State for filing and must be accompanied by ~~one exact or conformed copy (except as provided in G.S. 55-5-03 and G.S. 55-15-09), and all fees required by this Chapter.~~the applicable fees.

"§ 55D-11. Expedited filings.

A person submitting a document for filing may request an expedited filing at the time the document is submitted. The Secretary of State shall guarantee the expedited filing of ~~a document upon receipt of the document in proper form and the payment of the required filing fee. The Secretary of State may collect the following additional fees for the expedited filing of a document received in good form:~~ the document if the document is in proper form and accompanied by all applicable fees, including the following fee:

(1) Two hundred dollars ($200.00) for the filing by the end of the same business day of a document received by 12:00 ~~noon Eastern Standard Time; and~~noon; or

(2) One hundred dollars ($100.00) for the filing of a document within 24 hours after receipt, excluding weekends and holidays.

The Secretary of State shall not collect the fees allowed in this section unless the person submitting the document for filing ~~requests an expedited filing and~~ is informed by the Secretary of State of the fees prior to the filing of the document.

"**§ 55D-12. Advisory review of documents.**

Upon request, the Secretary of State shall ~~provide for the~~ review ~~of~~ a document prior to its submission for filing to determine whether it satisfies ~~the requirements of this Chapter.~~ applicable filing requirements. Submission of a document for review shall be accompanied by ~~the proper fee~~ a fee of two hundred dollars ($200.00) and shall be in accordance with procedures adopted by rule by the Secretary of State. The advisory review shall be completed within 24 hours after submission, excluding weekends and holidays, unless the person submitting the document is otherwise notified in accordance with procedures adopted by rule by the Secretary of State fixing priority between submissions under this section and filings under ~~G.S. 55-1-22.1.~~ G.S. 55D-11. Upon completion of the advisory review, the Secretary of State shall notify the person submitting the document of any deficiencies in the document that would prevent its filing.

"**§ 55D-13. Effective time and date of document.**

(a) Except as provided in subsection (b) of this section and ~~G.S. 55-1-24(c),~~ in G.S. 55D-14, a document accepted for filing is effective:

(1) At the time of filing on the date it is filed, as evidenced by the Secretary of State's date and time endorsement on the ~~original~~ filed document; or

(2) At the time specified in the document as its effective time on the date it is filed.

(b) A document may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective date but no time is specified, the document is effective at 11:59:59 p.m. on that date. A delayed effective date for a document may not be later than the 90th day after the date it is filed.

(c) Except as provided in G.S. 55-2-03(b), 55A-2-03(b), and 57C-2-20(b), the fact that a document has become effective under this section does not determine its validity or invalidity or the correctness or incorrectness of the information contained in the document.

"**§ 55D-14. Correcting filed document.**

(a) A ~~domestic or foreign corporation~~ person on whose behalf a document was filed in the Office of the Secretary of State may correct ~~a document filed by the Secretary of State if the document (1)~~ that document if it (i) contains a statement that is incorrect and was incorrect when ~~the document was~~ filed or ~~(2)~~(ii) was defectively executed, attested, sealed, verified, or acknowledged.

(b) A document is ~~corrected:~~ corrected by delivering to the Secretary of State for filing articles of correction that do all of the following:

(1) ~~By preparing articles of correction that (i) describe~~ Describe the document (including its filing date) or ~~attach a copy of it to the articles,~~ have attached to them a copy of the document.

(2) ~~(ii) specify~~ Specify the incorrect statement and the reason it is incorrect or the ~~manner in which the execution was defective, and~~ nature of the defect.

(3) ~~(iii) correct~~ Correct the incorrect statement or ~~defective execution; and~~ defect.

~~(2) By delivering the articles to the Secretary of State for filing.~~

(c) Articles of correction are effective ~~on the effective~~ as of the effective time and date of the document they correct except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed.

"**§ 55D-15. Filing duty of Secretary of State.**

(a) If a document delivered to the office of the Secretary of State for filing satisfies the requirements of this ~~Chapter,~~ Chapter and of Chapter 55, 55A, 55B, 57C, or 59 of the General Statutes, the Secretary of State shall file it. Documents filed with the Secretary of State ~~pursuant to~~ under this Chapter may be maintained by the Secretary either in their original form or in photographic, microfilm, optical disk media, or other reproduced form. The Secretary may make reproductions of documents filed under this Chapter, or under any predecessor ~~act,~~ law, by photographic, microfilm, optical disk media, or other means of reproduction, and may destroy the originals of those documents reproduced.

(b) The Secretary of State files a document by ~~stamping or otherwise~~ endorsing "Filed", together with the Secretary's name and official title and the date and time of filing, on ~~both the original and the document copy.~~ the document. After filing a document, ~~except as provided in G.S. 55-5-03 and G.S. 55-15-09,~~ the Secretary of State shall deliver ~~the~~ a document copy to the ~~domestic or foreign corporation or its representative.~~ person submitting the document for filing and as provided in G.S. 55-5-03, 55-15-09, 55A-5-03, 55A-15-09, 57C-2-42, and 57C-7-09.

(c) If the Secretary of State refuses to file a document, the Secretary shall return ~~it, by personal delivery or by first-class mail postage prepaid, to the domestic or foreign corporation or its representative~~ it to the person submitting the document for filing within five days after the document was received, together with a ~~brief,~~ written statement of the date of the refusal and a brief explanation of the reason for refusal. The Secretary of State may correct apparent errors and omissions on a document submitted for filing if authorized to make the corrections by the person submitting the document for filing. ~~The authorization to make the corrections shall be confirmed, according to procedures adopted by rule, by the Secretary prior to making the correction.~~

(d) The Secretary of State's duty is to review and file documents that satisfy the requirements of this ~~Chapter.~~ Chapter and of Chapter 55, 55A, 55B, 57C, or 59 of the General Statutes. The Secretary of State's filing or refusing to file a document does ~~not:~~ not do any of the following:

(1) Except as provided in G.S. 55-2-03(b), 55A-2-03(b), or 57C-2-20(b), affect the validity or invalidity of the document in whole or ~~part;~~part.

(2) Relate to the correctness or incorrectness of information contained in the ~~document;~~ document.

(3) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

"**§ 55D-16. Appeal from Secretary of State's refusal to file document.**

(a) If the Secretary of State refuses to file a document delivered to ~~his~~ the Secretary of State's office for filing, the person ~~tendering the document~~ on whose behalf the document was submitted for filing may, within 30 days after ~~such~~ the date of the refusal, appeal the refusal to the Superior Court of Wake County. The appeal is commenced by filing a petition with the court and with the Secretary of State requesting the court to compel the Secretary of State to file the document. The petition ~~shall~~must have attached to it the document to be filed and the Secretary of State's explanation for ~~his~~ the refusal to file. The appeal to the superior court is not governed by ~~the Administrative Procedure Act~~ Chapter 150B of the General Statutes, the Administrative Procedure Act, and shall be determined upon such further notice and opportunity to be heard, if any, as the court may deem appropriate under the circumstances.

(b) Upon consideration of the petition and any response made by the Secretary of State, the court may, prior to entering final judgment, order the Secretary of State to file the document or take other action the court considers appropriate.

(c) The court's final decision may be appealed as in other civil proceedings.

"**§ 55D-17. Evidentiary effect of copy of filed document.**

A certificate attached to a copy of a document filed by the Secretary of State, bearing the Secretary of State's signature ~~(which may be in facsimile)~~ and the seal of office (both of which may be in facsimile or in any electronic form approved by the Secretary of State) and certifying that the copy is a true copy of the document, is conclusive evidence that the original document is on file with the Secretary of State. A photographic, microfilm, optical disk media, or other reproduced copy of a document filed ~~pursuant to this Chapter~~ under this Chapter, Chapter 55, 55A, 55B, 57C, or 59 of the General Statutes, or any predecessor ~~act,~~ law, when certified by the Secretary, shall be considered an original for all purposes and is admissible in evidence in like manner as an original.

"**§ 55D-18. Penalty for signing false document.**

(a) A person commits an offense if ~~he~~ the person signs a document ~~he~~ the person knows is false in any material respect with intent that the document be delivered to the Secretary of State for filing.

(b) An offense under this section is a Class 1 misdemeanor."

PART II. MISCELLANEOUS AND CONFORMING AMENDMENTS.

SECTION 5.(a) G.S. 55-1-40(9) reads as rewritten:

"(9) "Entity" includes (without limiting the meaning of such term in Article ~~9)~~ 9 of this Chapter):

a. Any domestic or foreign:

1. Corporation; ~~corporation and foreign corporation;~~ nonprofit corporation; professional corporation;

2. Limited ~~limited~~ liability company;

3. Profit ~~profit~~ and nonprofit unincorporated association; and

4. Business ~~business~~ trust, estate, partnership, ~~trust, and~~ trust;

b. Two ~~two~~ or more persons having a joint or common economic interest; and

c. ~~state,~~ The United States, and any state and foreign government."

SECTION 5.(b) G.S. 55A-1-40(10) reads as rewritten:

"(10) "Entity" ~~includes~~ includes:

a. Any domestic or foreign:

1. Corporation; ~~corporation and foreign corporation; domestic or foreign~~ business corporation; professional corporation;

2. Limited ~~limited~~ liability company;

3. Profit ~~profit~~ and nonprofit unincorporated association, chapter or other organizational unit; and

4. Business ~~business~~ trust, estate, partnership, ~~trust, and~~ trust;

b. Two ~~two~~ or more persons having a joint or common economic interest; and

c. ~~state,~~ The United States, and any state and foreign government."

SECTION 6.(a) G.S. 55-1-20, as amended by Section 3 of this act, reads as rewritten:

"**§ 55-1-20. Filing requirements.**

~~(a) through (e). Recodified.~~

~~(f) A document submitted by a domestic or foreign corporation or nonprofit corporation must be executed:~~

~~(1) By the chairman of the board of directors, by its president, or by another of its officers;~~

~~(2) If directors have not been selected or the corporation has not been formed, by an incorporator; or~~

~~(3) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.~~

~~A document submitted by an unincorporated entity must be executed by a person authorized to execute documents (i) pursuant to G.S. 57C-1-20(f) if the unincorporated~~

~~entity is a domestic or foreign limited liability company, (ii) pursuant to G.S. 59-204 if the unincorporated entity is a domestic or foreign limited partnership, or (iii) pursuant to G.S. 59-73.7(a)(4) if the unincorporated entity is any other partnership as defined in G.S. 59-36 whether or not formed under the laws of this State.~~

~~(g) through (j). Recodified.~~

(a) A document required or permitted by this Chapter to be filed by the Secretary of State must be filed under Chapter 55D of the General Statutes.

(b) A document submitted on behalf of a domestic or foreign corporation must be executed:

(1) By the chair of its board of directors, by its president, or by another of its officers;

(2) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(3) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary."

SECTION 6.(b) G.S. 55-1-22(a)(27) is repealed.

SECTION 6.(c) G.S. 55-8-7(a) reads as rewritten:

"(a) A director may resign at any time by communicating his resignation to the board of directors, its ~~chairman,~~ chair, or the corporation."

SECTION 7.(a) G.S. 55A-1-20 reads as rewritten:

"**§ 55A-1-20. Filing requirements.**

~~(a) To be entitled to filing by the Secretary of State under this Chapter, a document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements.~~

~~(b) The document must be one that is required or permitted by this Chapter to be filed in the office of the Secretary of State.~~

~~(c) The document shall contain the information required by this Chapter. It may contain other information as well.~~

~~(d) The document shall be typewritten or printed.~~

~~(e) The document shall be in the English language.~~

~~A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.~~

~~(f) A document submitted by a domestic or foreign corporation or business corporation shall be executed:~~

~~(1) By the presiding officer of the board of directors by its president, or by another of its officers;~~

~~(2) If directors have not been selected or the corporation has not been formed, by an incorporator; or~~

~~(3) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.~~

~~A document submitted by an unincorporated entity must be executed by a person authorized to execute documents (i) pursuant to G.S. 57C-1-20(f) if the unincorporated~~

~~entity is a domestic or foreign limited liability company, (ii) pursuant to G.S. 59-204 if the unincorporated entity is a domestic or foreign limited partnership, or (iii) pursuant to G.S. 59-73.7(a)(4) if the unincorporated entity is any other partnership as defined in G.S. 59-36 whether or not formed under the laws of this State.~~

~~(g) The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which he signs. The document may but need not contain:~~

~~(1) The corporate seal;~~

~~(2) An attestation by the secretary or an assistant secretary; and~~

~~(3) An acknowledgment, verification, or proof.~~

~~(h) If the Secretary of State has prescribed a mandatory form for the document under G.S. 55A-1-21, the document shall be in or on the prescribed form.~~

~~(i) The document shall be delivered to the office of the Secretary of State for filing and shall be accompanied by one exact or conformed copy (except as provided in G.S. 55A-5-03 and G.S. 55A-15-09), and all fees required by this Chapter.~~

~~(j) Any signature on any document authorized to be filed with the Secretary of State under any provision of this Chapter may be a facsimile.~~

(a) A document required or permitted by this Chapter to be filed by the Secretary of State must be filed under Chapter 55D of the General Statutes.

(b) A document submitted on behalf of a domestic or foreign corporation must be executed:

(1) By the presiding officer of its board of directors, by its president, or by another of its officers;

(2) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(3) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary."

SECTION 7.(b) G.S. 55A-1-22.1, 55A-1-22.2, 55A-1-23, 55A-1-24, 55A-1-25, 55A-1-26, 55A-1-27, and 55A-1-29 are repealed.

SECTION 7.(c) G.S. 55A-1-22(a)(28) is repealed.

SECTION 8.(a) G.S. 57C-1-20 reads as rewritten:

"**§ 57C-1-20. Filing requirements.**

~~(a) To be entitled to filing by the Secretary of State under this Chapter, a document must satisfy the requirements of this section, and of any other section that adds to or varies these requirements.~~

~~(b) The document must be one that is required or permitted by this Chapter to be filed in the Office of the Secretary of State.~~

~~(c) The document must contain the information required by this Chapter. It may contain other information as well.~~

~~(d) The document must be typewritten or printed.~~

~~(e) The document must be in the English language. The name of a limited liability company need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign limited liability~~

~~companies need not be in English if accompanied by a reasonably authenticated English translation.~~

~~(f) A document submitted by a domestic or foreign limited liability company must be executed:~~

~~(1) By a manager of the limited liability company;~~

~~(2) If managers have not been selected, or if the limited liability company does not have a manager other than a member, by any member;~~

~~(3) If the limited liability company has not been formed or if no initial members of the limited liability company have been identified in the manner provided in this Chapter, by an organizer; or~~

~~(4) If the limited liability company is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.~~

~~A document submitted by a business entity other than a domestic or foreign limited liability company must be executed by a person authorized to execute documents (i) pursuant to G.S. 55-1-20(f) if the business entity is a corporation or foreign corporation, (ii) pursuant to G.S. 55A-1-20(f) if the business entity is a domestic or foreign nonprofit corporation, (iii) pursuant to G.S. 59-204 if the business entity is a domestic or foreign limited partnership, or (iv) pursuant to G.S. 59-73.7(a)(4) if the business entity is any other partnership as defined in G.S. 59-36 whether or not formed under the laws of this State.~~

~~(g) The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which he signs. The document may, but need not, contain an acknowledgement, verification, or proof.~~

~~(h) If the Secretary of State has prescribed a mandatory form for the document under G.S. 57C-1-21, the document must be in or on the prescribed form unless the Secretary of State otherwise permits an alternative form.~~

~~(i) The document must be delivered to the Office of the Secretary of State for filing and must be accompanied by one exact or conformed copy and all fees required by this Chapter.~~

~~(j) Any signature on any document authorized to be filed with the Secretary of State under any provision of this Chapter may be a facsimile.~~

(a) A document required or permitted by this Chapter to be filed by the Secretary of State must be filed under Chapter 55D of the General Statutes.

(b) A document submitted on behalf of a domestic or foreign limited liability company must be executed:

(1) By a manager of the limited liability company;

(2) If the limited liability company has not been formed or if no initial members of the limited liability company have been identified in the manner provided in this Chapter, by an organizer; or

(3) If the limited liability company is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary."

SECTION 8.(b) G.S. 57C-1-22.1, 57C-1-22.2, 57C-1-23, 57C-1-24, 57C-1-25, 57C-1-26, 57C-1-27, and 57C-1-29 are repealed.

SECTION 8.(c) G.S. 57C-1-22(a)(27) is repealed.

SECTION 9. G.S. 59-73.7 is recodified as G.S. 59-35.1 and reads as rewritten:

"**§ ~~59-73.7.~~ 59-35.1. Filing of documents.**

(a) ~~To be entitled to filing by the Secretary of State, a document submitted pursuant to this Part must meet all of the following requirements:~~

~~(1) The document must contain the information required by this Part. It may contain other information as well.~~

~~(2) The document must be typewritten or printed.~~

~~(3) The document must be in the English language.~~

~~(4) A document submitted by a partnership must be executed by a general partner of the partnership. A document submitted by a business entity other than a partnership must be executed by a person authorized to execute documents (i) pursuant to G.S. 55-1-20(f) if the business entity is a domestic or foreign corporation, (ii) pursuant to G.S. 55A-1-20(f) if the business entity is a domestic or foreign nonprofit corporation, (iii) pursuant to G.S. 57C-1-20(f) if the business entity is a domestic or foreign limited liability company, or (iv) pursuant to G.S. 59-204 if the business entity is a domestic or foreign limited partnership.~~

~~(5) The person executing the document must sign it and state beneath or opposite the person's signature, the person's name and the capacity in which the person signs. Any signature on the document may be a facsimile. The document may, but need not, contain an acknowledgment, verification, or proof.~~

~~(6) The document must be delivered to the Office of the Secretary of State for filing and must be accompanied by one exact or conformed copy and by the required filing fee.~~

A document required or permitted by this Act to be filed by the Secretary of State must be filed under Chapter 55D of the General Statutes.

~~(b) A partnership may correct a document filed by the Secretary of State pursuant to this Part if the document (i) contains a statement that is incorrect and was incorrect when the document was filed or (ii) was defectively executed, attested, sealed, verified, or acknowledged.~~

~~A document is corrected by:~~

~~(1) Preparing articles of correction that (i) describe the document (including its filing date) or have attached to them a copy of the document, (ii) specify the incorrect statement and the reason it is incorrect or the manner in which the execution was defective, and (iii) correct the incorrect statement or defective execution; and~~

~~(2) Delivering the articles of correction to the Secretary of State for filing, accompanied by one exact or conformed copy and the required filing fee.~~

~~Articles of correction are effective on the effective date of the document that is corrected except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed.~~

(b) A document submitted under this Act for filing by the Secretary of State must be executed by a general partner of the partnership.

(c) The Secretary of State shall collect the following fees when the documents described in this subsection are submitted by a partnership to the Secretary of State for filing:

Document	Fee
Articles of Merger	$50.00
Articles of Correction	$10.00

The Secretary of State shall collect a fee of ten dollars ($10.00) each time process is served on the Secretary of State under this ~~Part.~~ Act. The party to the proceeding causing service of process is entitled to recover this fee as costs if the party prevails in the proceeding.

The Secretary of State shall collect the following fees for copying, comparing, and certifying a copy of a document filed by a partnership pursuant to this Part:

(1) One dollar ($1.00) a page for copying or comparing a copy to the original; and

(2) Five dollars ($5.00) for the certificate.

~~(d) The Secretary of State shall guarantee the expedited filing of a document upon receipt of the document in proper form and the payment of the required filing fee. The Secretary of State may collect the following additional fees for the expedited filing of a document received in good form:~~

~~(1) Two hundred dollars ($200.00) for the filing by the end of the same business day of a document received by 12:00 noon Eastern Standard Time; and~~

~~(2) One hundred dollars ($100.00) for the filing of a document within 24 hours after receipt, excluding weekends and holidays.~~

~~The Secretary of State shall not collect the fees allowed in this subsection unless the person submitting the document for filing requests an expedited filing and is informed by the Secretary of State of the fees prior to the filing of the document.~~

~~(e) Upon request, the Secretary of State shall provide for the review of a document prior to its submission for filing to determine whether it satisfies the requirements of this Part. Submission of a document for review shall be accompanied by the proper fee and shall be in accordance with procedures adopted by rule by the Secretary of State. The advisory review shall be completed within 24 hours after submission, excluding weekends and holidays, unless the person submitting the document is otherwise notified in accordance with procedures adopted by rule by the Secretary of State fixing priority between submissions under this subsection and filings under subsection (d) of this section. Upon completion of the advisory review, the~~

~~Secretary of State shall notify the person submitting the document of any deficiencies in the document that would prevent its filing.~~

~~(f) Except as provided in this subsection and in subsection (b) of this section, a document accepted for filing is effective:~~

~~(1) At the time of filing on the date it is filed, as evidenced by the Secretary of State's date and time endorsement on the original document; or~~

~~(2) At the time specified in the document as its effective time on the date it is filed.~~

~~A document may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective date but no time is specified, the document is effective at 11:59:59 p.m. on that date. A delayed effective date for a document may not be later than the 90th day after the date it is filed.~~

~~The fact that a document has become effective under this subsection does not determine its validity or invalidity or the correctness or incorrectness of the information contained in the document.~~

~~(g) If a document delivered to the Office of the Secretary of State for filing satisfies the requirements of this Part, the Secretary of State shall file it. Documents filed with the Secretary of State pursuant to this Part may be maintained by the Secretary either in their original form or in photographic, microfilm, optical disk media, or other reproduced form. The Secretary may make reproductions of documents filed under this Part, or under any predecessor act, by photographic, microfilm, optical disk media, or other means of reproduction, and may destroy the originals of those documents reproduced.~~

~~The Secretary of State files a document by stamping or otherwise endorsing "Filed", together with the Secretary of State's name and official title and the date and time of filing, on both the original and the document copy. After filing a document, the Secretary of State shall deliver the document copy to the partnership or its representative.~~

~~If the Secretary of State refuses to file a document, the Secretary of State shall return it to the partnership or its representative within five days after the document was received, together with a brief, written explanation of the reason for refusal. The Secretary of State may correct apparent errors and omissions on a document submitted for filing if authorized to make the corrections by the person submitting the document for filing. Prior to making the correction, the Secretary shall confirm the authorization to make the corrections according to procedures adopted by rule.~~

~~The Secretary of State's duty is to review and file documents that satisfy the requirements of this Part. The Secretary of State's filing or refusing to file a document does not:~~

~~(1) Affect the validity or invalidity of the document in whole or part;~~

~~(2) Relate to the correctness or incorrectness of information contained in the document; or~~

~~(3) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.~~

~~(h) If the Secretary of State refuses to file a document delivered to the Secretary of State's office for filing, the person tendering the document for filing may, within 30 days after the refusal, appeal the refusal to the Superior Court of Wake County. The appeal is commenced by filing a petition with the court and with the Secretary of State requesting the court to compel the Secretary of State to file the document. The petition shall have attached to it the document to be filed and the Secretary of State's explanation for the refusal to file. The appeal to the Superior Court is not governed by Chapter 150B of the General Statutes, the Administrative Procedure Act, and the court shall determine, based upon what is appropriate under the circumstances, any further notice and opportunity to be heard.~~

~~Upon consideration of the petition and any response made by the Secretary of State, the court may, prior to entering final judgment, order the Secretary of State to file the document or take other action the court considers appropriate.~~

~~The court's final decision may be appealed as in other civil proceedings.~~

~~(i) A certificate attached to a copy of a document filed by the Secretary of State, bearing the Secretary of State's signature (which may be in facsimile) and the seal of office and certifying that the copy is a true copy of the document, is conclusive evidence that the original document is on file with the Secretary of State. A photographic, microfilm, optical disk media, or other reproduced copy of a document filed pursuant to this Part or any predecessor act, when certified by the Secretary, shall be considered an original for all purposes and is admissible in evidence in like manner as an original.~~

~~(j) A person commits an offense if the person signs a document the person knows is false in any material respect with intent that the document be delivered to the Secretary of State for filing. An offense under this subsection is a Class 1 misdemeanor.~~

~~(k)~~(d) Whenever title to real property in this State held by a partnership is vested by operation of law in another entity upon merger, consolidation, or conversion of the partnership, a certificate reciting the merger, consolidation, or conversion shall be recorded in the office of the register of deeds of the county where the property is located, or if the property is located in more than one county, then in each county where any portion of the property is located.

The Secretary of State shall adopt uniform certificates to be furnished for registration in accordance with this subsection. In the case of a partnership formed under a law other than the laws of this State, a similar certificate by any competent authority of the jurisdiction of organization may be registered in accordance with this subsection.

The certificate required by this subsection ~~shall~~ must be recorded by the register of deeds in the same manner as deeds, and for the same fees, but no formalities as to acknowledgment, probate, or approval by any other officer shall be required. The former name of the partnership holding title to the real property before the merger, consolidation, or conversion shall appear in the "Grantor" index and the name of the

other entity holding title to the real property by virtue of the merger, consolidation, or conversion shall appear in the "Grantee" index."

SECTION 10.(a) G.S. 59-73.6(b) reads as rewritten:

"(b) If the surviving business entity is not a domestic limited liability company, a domestic corporation, a domestic nonprofit corporation, or a domestic limited partnership when the merger takes effect, the surviving business entity is deemed:

(1) To agree that it may be served with process in this State in any proceeding for enforcement of (i) any obligation of any merging domestic limited liability company, domestic corporation, domestic nonprofit corporation, domestic limited partnership, or other partnership as defined in G.S. 59-36 that is formed under the laws of this State, (ii) the rights of dissenting shareholders of any merging domestic corporation under Article 13 of Chapter 55 of the General Statutes, and (iii) any obligation of the surviving business entity arising from the merger; and

(2) To have appointed the Secretary of State as its registered agent for service of process in any such proceeding. Service on the Secretary of State of any such process shall be made by delivering to and leaving with the Secretary of State or with any clerk authorized by the Secretary of State to accept service of process, duplicate copies of such process and the fees required by ~~G.S. 59-73.7(c).~~ G.S. 59-35.1(c). Upon receipt of service of process on behalf of a surviving business entity in the manner provided for in this section, the Secretary of State shall immediately mail a copy of the process by registered or certified mail, return receipt requested, to the surviving business entity. If the surviving business entity is authorized to transact business or conduct affairs in this State, the address for mailing shall be its principal office designated in the latest document filed with the Secretary of State that is authorized by law to designate the principal office or, if there is no principal office on file, its registered office. If the surviving business is not authorized to transact business or conduct affairs in this State, the address for mailing shall be the mailing address designated pursuant to subdivision (3) of subsection (d) of this section."

SECTION 10.(b) G.S. 59-204(a) reads as rewritten:

"(a) Each certificate required by this Article to be filed in the office of the Secretary of State shall be executed in the following manner:

(1) An original certificate of limited partnership must be signed by all general partners;

(2) A certificate of amendment must be signed by at least one general partner and by each other partner designated in the certificate as a new general partner; and

(3) A certificate of cancellation must be signed by all general partners.

Any other document submitted by a domestic or foreign limited partnership for filing pursuant to this or any other Chapter must be signed by at least one general partner. ~~Any document submitted by a business entity other than a domestic or foreign limited partnership must be executed by a person authorized to execute documents (i) pursuant to G.S. 55-1-20(f) if the business entity is a domestic or foreign corporation, (ii) pursuant to G.S. 55A-1-20(f) if the business entity is a domestic or foreign nonprofit corporation, (iii) pursuant to G.S. 57C-1-20(f) if the business entity is a domestic or foreign limited liability company, or (iv) pursuant to G.S. 59-73.7(a)(4) if the business entity is a partnership as defined in G.S. 59-36, whether or not formed under the laws of this State, other than a domestic or foreign limited partnership.~~"

SECTION 10.(c) G.S. 59-204(b1) is repealed.

SECTION 10.(d) G.S. 59-206 reads as rewritten:

"**§ 59-206. Filing requirements.**

(a) A document required or permitted by this Article to be filed by the Secretary of State must be filed under Chapter 55D of the General Statutes. Whenever the provisions of this Article require any document relating to a limited partnership to be executed and filed in accordance with this Article, unless otherwise specifically stated in this Article:

~~(1) There shall be an original executed document and also one conformed copy.~~

~~(2) The original document so signed, together with the conformed copy, shall be delivered to the Secretary of State. If the Secretary finds that it satisfies the requirements of this Article, the Secretary shall, when the proper fees have been tendered, endorse upon the original the word "filed" and the hour, day, month and year of the filing thereof and shall file the same in the Secretary's office. The Secretary of State shall thereupon immediately compare the copy with the original and if the Secretary finds that they are identical the Secretary shall make upon the conformed copy the same endorsement which appears on the original and shall attach to the copy a certificate stating that attached thereto is a true copy of the document, designated by an appropriate title, filed in the Secretary's office and showing the date of the filing. The Secretary shall thereupon return the copy so certified to the limited partnership or its representatives. Any documents filed with the Secretary of State pursuant to this Chapter may be maintained by the Secretary either in their original form or in photographic, microfilm, optical disk media, or other reproduced form. The Secretary may make reproductions of documents filed under this Chapter, or under any predecessor act, by photographic, microfilm, optical disk media, or other means of reproduction, and may destroy the originals of the documents reproduced. The Secretary of State may correct apparent errors and omissions on a document submitted for filing if authorized to make the corrections by the person submitting the document for~~

~~filing. The authorization to make the corrections shall be confirmed, according to procedures adopted by rule, by the Secretary prior to making the correction.~~

~~(2b) A domestic or foreign limited partnership may correct a document filed by the Secretary of State if the document (i) contains a statement that is incorrect and was incorrect when the document was filed or (ii) was defectively executed, attested, sealed, verified, or acknowledged.~~

~~(3) Repealed by Session Laws 1991, c. 153, s. 2.~~

(3a) Whenever the name of any domestic or foreign limited partnership holding title to real property in this State is changed upon amendment to the certificate of limited partnership, or whenever title to its real property is vested by operation of law in another entity upon merger, consolidation, or conversion of the domestic or foreign limited partnership, a certificate reciting the name change, merger, consolidation, or conversion shall be recorded in the office of the register of deeds of the county where the property lies, or if the property is located in more than one county, then in each county where any portion of the property lies.

(4) The Secretary of State shall adopt uniform certificates to be furnished for registration in accordance with this section. In the case of a foreign limited partnership, a similar certificate by any competent authority of the jurisdiction under which the limited partnership is organized may be registered in accordance with this section.

(5) The certificate required by subdivision (3a) of this subsection shall be recorded by the register of deeds in the same manner as deeds, and for the same fees, but no formalities as to acknowledgement, probate, or approval by any other officer shall be required. The former name of the domestic or foreign limited partnership holding title to the real property before the name change, merger, consolidation, or conversion shall appear in the "Grantor" index, and the new name of the domestic or foreign limited partnership or the name of the other entity holding title to the real property by virtue of the merger, consolidation, or conversion, as applicable, shall appear in the "Grantee" index.

~~(b) Repealed by Session Laws 1991, c. 153, s. 2.~~

~~(b1) Except as provided in subsection (b2), a document accepted for filing is effective:~~

~~(1) At the time of filing on the date it is filed, as evidenced by the Secretary of State's date and time endorsement on the original document; or~~

~~(2) At the time specified in the document as its effective time on the date it is filed.~~

~~(b2) A document may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective~~

~~date but not time is specified, the document is effective at 11:59:59 p.m. on that date. A delayed effective date for a document may not be later than the ninetieth day after the date it is filed.~~

~~(b3) The fact that a document has become effective under this section does not determine its validity or invalidity or the correctness or incorrectness of the information contained in the document.~~

~~(c) It shall be the duty of the Secretary of State, whenever so requested and upon tender of the proper fees, to certify as aforesaid any true copy of any document on file in the office, or if requested, to make or cause to be made typewritten or photostatic copies of the documents and to certify the same as aforesaid.~~"

SECTION 10.(e) G.S. 59-206.1 and G.S. 59-206.2 are repealed.

SECTION 10.(f) G.S. 59-1106 reads as rewritten:

"**§ 59-1106. ~~Fees; expedited filing.~~ Fees.**

The Secretary of State shall collect the following fees and remit them to the State Treasurer for the use of the State:

(1)	For filing a certificate of limited partnership (G.S. 59-201)	$50.00
(2)	For filing a certificate of amendment (G.S. 59-202; 59-905)	25.00
(3)	For filing a certificate of cancellation (G.S. 59-203; 59-906)	25.00
(4)	For filing an application for reservation of name (G.S. 59-104(a))	10.00
(5)	For filing a transfer of name (G.S. 59-104(d))	10.00
(6)	For filing an application for registration as foreign limited partnership (G.S. 59-502)	50.00
(7)	For preparing and furnishing a copy of any document, instrument or paper filed or recorded relating to a limited partnership (G.S. 59-206(c))	
	For each page	1.00
	For affixing the certificate and official seal thereto	5.00
(8)	For comparing a copy furnished to him of any document, instrument or paper filed or recorded relating to a limited partnership	
	For each page	1.00
(9)	For filing any other document not ~~herein~~ specifically provided for	10.00
~~(10)~~	~~For the expedited filing by the end of the same business day of a document received in good order by 12:00 noon Eastern Standard Time~~	~~200.00~~
		~~additional fee~~

~~(11) For the expedited filing of a document received in good order within 24 hours after receipt, excluding weekends and holidays ..... 100.00~~

~~..... additional fee~~

~~(12) Advisory review of a document ..... 200.00.~~

~~The Secretary of State shall not collect the fees allowed in subdivisions (10) and (11) of this section unless the person submitting the document for filing requests an expedited filing and is informed by the Secretary of State of the fees prior to the filing of the document. Upon receipt of a document in proper form and payment of the required filing fee, the Secretary of State shall guarantee the expedited filing of the document.~~"

SECTION 11. G.S. 55B-3 reads as rewritten:

"**§ 55B-3. North Carolina Business Corporation Act ~~applicable.~~applicable; other applicable law.**

(a) Chapter 55 of the General Statutes, the ~~The~~ North Carolina Business Corporation ~~Act shall be applicable to such~~ Act, applies to professional corporations, including their organization, and professional corporations shall enjoy the powers and privileges and shall be subject to the duties, restrictions and liabilities of other corporations, except insofar as the same may be limited or enlarged by this Chapter. If any provision of this Chapter conflicts with the provisions of Chapter 55 of the General Statutes, the North Carolina Business Corporation Act, the provisions of this Chapter shall prevail.

(b) A document required or permitted by this Chapter to be filed by the Secretary of State shall be filed under Chapter 55D of the General Statutes, Filings for Corporations, Nonprofit Corporations, Limited Liability Companies, Limited Partnerships, and Limited Liability Partnerships."

SECTION 12. The Revisor of Statutes is authorized to transfer, as historical annotations, the Official Comments and the North Carolina Comments to those portions of Chapter 55 of the General Statutes that are recodified by this act to the corresponding locations in Chapter 55D of the General Statutes, as the Revisor deems appropriate.

PART III. EFFECTIVE DATE AND APPLICABILITY.

SECTION 13. This act becomes effective October 1, 2001, and applies to documents submitted for filing on or after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 385 A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 432

Committee Substitute Favorable 3/22/01

Short Title: Licensing Selling of Cars. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

Whereas, not only the setting of standards to protect purchasers of motor vehicles but also the enforcement of substantial penalties applicable when those standards are not met is one of the most effective means to obtain this protection; and

Whereas, more complex laws governing regulation of the sale and distribution of motor vehicles such as the titling of a vehicle, warranties, collection of consumer debt pursuant to Federal Trade Commission regulations, and applicable tax provisions impose a greater number of duties upon independent automobile dealers; and

Whereas, the most effective and consistent means of informing both applicants for licensure and experienced, licensed motor vehicle dealers of major changes and increasing complexities in the law is to develop a program insuring the development and requirement of appropriate continuing education; and

Whereas, to better effect these policies, it is necessary to increase to more appropriate levels the fees for those persons regulated by the Motor Vehicle Dealers and Manufacturers Licensing Law; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-287 reads as rewritten:

"**§ 20-287. Licenses ~~required.~~ required; penalties.**

(a) License Required. -- It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler to engage in business in this State without first obtaining a license as provided in this Article. If any motor vehicle dealer acts as a motor vehicle sales representative, the dealer shall obtain a motor vehicle sales representative's license in

addition to a motor vehicle dealer's license. A sales representative may have only one license. The license shall show the name of each dealer or wholesaler employing the sales representative. The following license holders may operate as a motor vehicle dealer without obtaining a motor vehicle dealer's license or paying an additional fee: a manufacturer, a factory branch, a distributor, and a distributor branch. Any of these license holders who operates as a motor vehicle dealer may sell motor vehicles at retail only at an established salesroom.

(b) Criminal Penalty for Violation. -- Any person who violates any provision of this section shall be guilty of a Class 1 misdemeanor, as provided in G.S. 20-308.

(c) Civil Penalty for Violations by Licensee. -- In addition to any other punishment or remedy under the law for any violation of this section, the Division may levy and collect a civil penalty, in an amount not to exceed one thousand dollars ($1,000) for each violation, against any person who has obtained a license pursuant to this section, if it finds that the licensee has violated any of the provisions of this Article, Article 15 of this Chapter, or any statute or rule adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration.

(d) Civil Penalty for Violations by Person Without a License. -- The Division may levy and collect a civil penalty, in an amount not to exceed five thousand dollars ($5,000) for each violation, against any person who is required to obtain a license under this section and has not obtained the license, if it finds that the person has violated any of the provisions of this Article, Article 15 of this Chapter, or any statute or rule adopted by the Division relating to the sale of vehicles, vehicle titling, or vehicle registration."

SECTION 2. G.S. 20-288 reads as rewritten:

"**§ 20-288. Application for license; license requirements; expiration of license; bond.**

(a) A ~~person~~ new motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler may obtain a license by filing an application with the Division. An application must be on a form provided by the Division and contain the information required by the Division. An application for a license must be accompanied by the required fee and by an application for a dealer license plate.

(a1) A used motor vehicle dealer may obtain a license by filing an application, as prescribed in subsection (a) of this section, and providing the following:

(1) The required fee.

(2) Proof that the applicant, within the last 12 months has completed a 12-hour licensing course approved by the Division if the applicant is seeking an initial license and a six-hour course approved by the Division if the applicant is seeking a renewal license. The requirements of G.S. 20-288(a1)(2) do not apply to a used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers.

(3) If the applicant is an individual, proof that the applicant is at least 18 years of age and proof that all salespersons employed by the dealer are at least 18 years of age.

(4) The application for a dealer license plate.

(b) The Division shall require in such application, or otherwise, information relating to matters set forth in G.S. 20-294 as grounds for the refusing of licenses, and to other pertinent matters commensurate with the safeguarding of the public interest, all of which shall be considered by the Division in determining the fitness of the applicant to engage in the business for which he seeks a license.

(c) All licenses that are granted shall expire unless sooner revoked or suspended, on June 30 of the year following date of issue.

(d) To obtain a license as a wholesaler, an applicant who intends to sell or distribute self-propelled vehicles must have an established office in this State, and an applicant who intends to sell or distribute only trailers or semitrailers of less than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

To obtain a license as a motor vehicle dealer, an applicant who intends to deal in self-propelled vehicles must have an established salesroom in this State, and an applicant who intends to deal in only trailers or semitrailers of less than 2500 pounds unloaded weight must have a place of business in this State where the records required under this Article are kept.

An applicant for a license as a manufacturer, a factory branch, a distributor, a distributor branch, a wholesaler, or a motor vehicle dealer must have a separate license for each established office, established salesroom, or other place of business in this State. An application for any of these licenses shall include a list of the applicant's places of business in this State.

(e) Each applicant approved by the Division for license as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall furnish a corporate surety bond or cash bond or fixed value equivalent of the bond. The amount of the bond for an applicant for a motor vehicle dealer's license is twenty-five thousand dollars ($25,000) for one established salesroom of the applicant and ten thousand dollars ($10,000) for each of the applicant's additional established salesrooms. The amount of the bond for other applicants required to furnish a bond is twenty-five thousand dollars ($25,000) for one place of business of the applicant and ten thousand dollars ($10,000) for each of the applicant's additional places of business.

A corporate surety bond shall be approved by the Commissioner as to form and shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Article and Article 15. A cash bond or fixed value equivalent thereof shall be approved by the Commissioner as to form and terms of deposits as will secure the ultimate beneficiaries of the bond; and such bond shall not be available for delivery to any person contrary to the rules of the Commissioner. Any purchaser of a motor vehicle who shall have suffered any loss or damage by any act of a license holder subject to this subsection that constitutes a violation of this Article or Article 15 shall have the right to

institute an action to recover against the license holder and the surety. Every license holder against whom an action is instituted shall notify the Commissioner of the action within 10 days after served with process. A corporate surety bond shall remain in force and effect and may not be canceled by the surety unless the bonded person stops engaging in business or the person's license is denied, suspended, or revoked under G.S. 20-294. Such cancellation may be had only upon 30 days' written notice to the Commissioner and shall not affect any liability incurred or accrued prior to the termination of such 30-day period. This subsection does not apply to a license holder who deals only in trailers having an empty weight of 4,000 pounds or less. This subsection does not apply to manufacturers of, or dealers in, mobile or manufactured homes who furnish a corporate surety bond, cash bond, or fixed value equivalent thereof, pursuant to G.S. 143-143.12."

SECTION 3. G.S. 20-294 (2) reads as rewritten:

"(2) Willfully and intentionally failing to comply with this Article, Article 15 of this Chapter, or G.S. 20-52.1, 20-75, ~~20-82,~~ 20-79.1, 20-108, 20-109, or a rule adopted by the Division under this Article."

SECTION 4. G.S. 20-294 is amended by adding a new subdivision to read:

"(13) Failure to pay a civil penalty imposed under G.S. 20-287."

SECTION 5. This act becomes effective July 1, 2002, and applies to offenses committed on or after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 432 A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 800

Short Title:	Speaker's Appointments.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 26, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the Speaker of the House of Representatives; and

Whereas, the Speaker of the House of Representatives has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Betty Ann Knudsen of Wake County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar to fill the remainder of a term to expire June 30, 2003.

SECTION 2. Neil Ross McIntyre, Jr. of Durham County and Floyd Alexander Boyer of Sampson County are appointed to the North Carolina Respiratory Care Board to fill the remainder of terms to expire October 31, 2003.

SECTION 3. Daisy Millett of Yadkin County is appointed to the North Carolina Board of Massage and Bodywork Therapy to fill the remainder of a term to expire June 30, 2003.

SECTION 4. Margaret Markey of Mecklenburg County is appointed to the Clean Water Management Trust Fund Board of Trustees to fill the remainder of a term to expire December 31, 2004.

SECTION 5. Sharon Elliott-Bynum of Durham County is appointed to the North Carolina Center for Nursing to fill the remainder of a term to expire June 30, 2001, and for a full term beginning July 1, 2001, and expiring June 30, 2004.

SECTION 6. Unless otherwise provided for in this act, appointments are for terms to begin when this bill becomes law.

SECTION 7. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 800 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 4

SENATE BILL 243

State and Local Government Committee Substitute Adopted 3/12/01
Corrected Copy 3/13/01
Fourth Edition Engrossed 3/21/01

Short Title: Red Light Cameras/Certain Cities. (Local)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWNS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

"(d) This ~~act~~ section applies to the Cities of Concord, Charlotte, Durham, Fayetteville, Greensboro, Hickory, High Point, Monroe, Raleigh, Newton, Rocky Mount, Wilmington, Greenville, and Lumberton, and to the Towns of Cary, Chapel Hill, Cornelius, Huntersville, Marshville, Matthews, Mineral Springs, ~~and Pineville~~ Pineville, and Stallings only."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 243

State and Local Government Committee Substitute Adopted 3/12/01
Corrected Copy 3/13/01
Fourth Edition Engrossed 3/21/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S243-PCS2170-SW-18

Short Title: Red Light Cameras/Certain Cities. (Local)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWNS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

"(d) This ~~act~~ section applies to the Cities of Concord, Charlotte, Durham, Fayetteville, Greensboro, High Point, Monroe, Raleigh, Rocky Mount, Wilmington, Greenville, and Lumberton, and to the Towns of Cary, Chapel Hill, Cornelius, Huntersville, Marshville, Matthews, Mineral Springs, ~~and Pineville~~ Pineville, and Stallings only."

SECTION 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 _____

S. B. No. 243 ✓ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.)
Sen.) _____

1 moves to amend the bill on page 1, line 9

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "Hickory," and "Newton,".

4 _____

5 _____

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11 _____

12 _____

13 _____

14 _____

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16 _____

17 _____

18 _____

19 _____

SIGNED C Buchanan

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 243 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWNS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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, unfavorable as to original committee substitute bill and recommendation that the House committee substitute bill be re-referred to the Committee on Judiciary 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 701

Sponsors: Representatives Culpepper; and Jarrell.

Referred to: Rules, Calendar, and Operations of the House.

March 20, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA.

Whereas, Sir Evelyn Wrench, founder of the English Speaking Union, had the vision and foresight to suggest the idea of building an Elizabethan garden at Fort Raleigh as a tribute to the Roanoke colonists; and

Whereas, Mrs. Charles Cannon and Mrs. Inglis Fletcher worked with much energy and zeal to promote the idea to the Garden Club of North Carolina; and

Whereas, the Garden Club of North Carolina formally adopted the project in the spring of 1951 and worked tirelessly to gain support and solicit contributions for the Elizabethan Gardens; and

Whereas, the Roanoke Island Historical Association entered into a 99-year lease with the Garden Club of North Carolina for the use of 10.5 acres of land within the Fort Raleigh National Historic Site for the development of the Elizabethan Gardens; and

Whereas, the Elizabethan Gardens committee and its chairs, including Mrs. James M. Tyler, Mrs. Glenn Long, Mrs. Roy M. Homewood, and Mrs. Corbett E. Howard, led the effort to create and develop the Elizabethan Gardens from 1951 through 1964; and

Whereas, the Elizabethan Gardens committee had the vision and wisdom to secure the services of the nationally renowned landscape architects Umberto Innocenti and Richard K. Webel to design the Elizabethan Gardens; and

Whereas, outstanding builders and craftsmen, including Mr. E.W. Reinecke, Mr. Albert Q. "Skipper" Bell, and others, were hired to build the Elizabethan Gardens; and

Whereas, during the last 50 years, the Honorable John Hay Whitney, Mr. Paul Green, The Honorable and Mrs. C. Douglas Dillon, and numerous other garden club members, citizens, and State agencies have contributed plants, statuary, in-kind services, and funds to continue improving the Elizabethan Gardens; and

Whereas, the Elizabethan Gardens trustees, including Mrs. H.R. Totten, Mrs. J.R. Bennett, and Mrs. Roscoe D. McMillan, worked with great commitment to benefit the Elizabethan Gardens from 1958 until 1974; and

Whereas, Mr. Louis Midgette, Sr. and numerous other staff members and volunteers worked tirelessly to care for and develop the Elizabethan Gardens; and

Whereas, the Elizabethan Gardens Board of Governors, along with numerous consultants, horticulturists, craftsmen, architects, and landscape architects, has carried on the work of its predecessors since 1974; and

Whereas, the Garden Club of North Carolina and all of its member clubs continue to support the Elizabethan Gardens; and

Whereas, the efforts of the people named herein have resulted in the creation of a public garden widely celebrated and acclaimed for its beauty and educational efforts; and

Whereas, the Elizabethan Gardens have been enjoyed by visitors from all 50 states and over 40 foreign countries; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the life and memory of all the individuals named in this resolution for their role in the development of the Elizabethan Gardens. The General Assembly congratulates the Garden Club of North Carolina for 50 years of exemplary service to the State of North Carolina by creating and cultivating the Elizabethan Gardens and encourages the citizens of this State to visit the Elizabethan Gardens.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Garden Club of North Carolina and the Elizabethan Gardens.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules,Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 701 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE 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 ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
APRIL 5, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 290 –MIDLAND CHARTER AMENDMENTS

HB 280 – CONVENE SESSION EARLIER

HB 723 – APPOINTED MEMBER'S STATEMENT OF ECONOMIC INT.

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

April 5, 2001

The Committee on Rules, Calendar and Operations of the House met on April 5, 2001 at 1:00 p.m. in Room 421 of the Legislative Building. The following members were present: Representative Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barefoot, Barnhart, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, Sherrill, Thompson and Yongue.

The following bills were considered:

HOUSE BILL 290 – AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT TOWN. A proposed committee substitute changing the title to AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND was offered, and Representative Allred moved for its adoption for the purpose of discussion. Without objection, the chairman so ordered. The chairman stated that the bill had been given a favorable report by the Committee on Local Government I and was re-referred to the Finance Committee. The bill was then re-referred from Finance to the Rules Committee for procedural purposes. Representative Barnhart, bill sponsor, was recognized to explain the bill. He stated that Section 2 had been removed from the original bill due to some constitutional issues that were raised by staff. Representative Justus moved for a favorable report for the proposed committee substitute, unfavorable as to the original bill. The motion carried.

HOUSE BILL 280 – AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS. A proposed committee substitute was offered, and Representative Yongue moved for its adoption. Without objection, it was so ordered. Representative Redwine, bill sponsor, was recognized, and he restated the provisions of the bill that was before the committee on March 7. Further discussion followed Representative Redwine's explanation, after which Representative McComas made a motion that the proposed committee substitute be given a favorable report, unfavorable as to the original bill. Following further discussion, Representative Hackney sent forth an amendment (a copy of which is attached and made a part of these minutes) and moved for its adoption, which motion carried. Representative Justus spoke in opposition to the bill. Representative McComas then amended his motion to incorporate the amendment into a new proposed committee substitute, and to give the new proposed committee substitute a favorable report, unfavorable as to the original bill. The motion carried.

HOUSE BILL 723 – AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST. Representative Pope, bill sponsor, was recognized to explain the bill. The bill would require appointed members of the General Assembly to file a statement of economic interest within ten days after the date of

appointment. At the present time only those members who file for office in January are required to furnish a statement of economic interest. Representative Luebke moved for a favorable report for the bill. Representative Allred sent forth an amendment and moved for its adoption. The motion carried. Representative Luebke amended his motion to incorporate the amendment into a proposed committee substitute and 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 1:40 p.m

Representative Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 290*

Short Title:	Midland Charter Amendments.	(Local)
Sponsors:	Representative Barnhart.	
Referred to:	Local Government I.	

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.4 of the Charter of the Town of Midland, being S.L. 2000-91, reads as rewritten:

"Section 3.4. **Initial Council.** Until the organizational meeting after the initial regular municipal election of 2001, L.W. 'Bunk' Whitley, Joyce Beatty, A. J. Tucker, Frederick W. Buchta, and Dan Short are hereby appointed as members of the Town Council. Until that time, the Council shall consist of ~~three~~ five members. Until the organizational meeting after the initial regular municipal election of 2001, the Town Council shall choose from among its members one person to serve as Mayor."

SECTION 2. Section 2 of S.L. 2000-91 reads as rewritten:

"Section 2. From and after the effective date of this act, the citizens and property in the Town of Midland shall be subject to municipal taxes levied for the year beginning July 1, 2000. For that purpose the Town shall obtain from Cabarrus County a record of property in the area herein incorporated which was listed for taxes as of January 1, ~~2000~~ 2001. The Town may adopt a budget ordinance for fiscal year 2000-2001 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 2000-2001, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360."

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 290*
PROPOSED COMMITTEE SUBSTITUTE H290*-PCS9083-SW-20

Short Title: Midland Charter Amendments. (Local)

Sponsors:

Referred to:

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3.4 of the Charter of the Town of Midland, being S.L. 2000-91, reads as rewritten:

"Section 3.4. **Initial Council.** Until the organizational meeting after the initial regular municipal election of 2001, L.W. 'Bunk' Whitley, Joyce Beatty, A. J. Tucker, Frederick W. Buchta, and Dan Short are hereby appointed as members of the Town Council. Until that time, the Council shall consist of ~~three~~ five members. Until the organizational meeting after the initial regular municipal election of 2001, the Town Council shall choose from among its members one person to serve as Mayor."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 290 A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT 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.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 280

Short Title:	Convene Session Earlier.	(Public)
Sponsors:	Representative Redwine.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-11.1 reads as rewritten:

"Article 3A.

"Sessions; Electronic Voting.

"**§ 120-11.1. Time of meeting.**

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday~~ second Wednesday in January next after their election. When the Senate and House of Representatives adjourn that day, they stand adjourned until 12:00 noon on the second Wednesday thereafter."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 280
PROPOSED COMMITTEE SUBSTITUTE H280-CSRW-3 [v.2]

3/7/2001 9:26:13 AM

Short Title: Convene Session Earlier. (Public)

Sponsors:

Referred to:

February 28, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-11.1 reads as rewritten:

"Article 3A.

"Sessions; Electronic Voting.

"**§ 120-11.1. Time of meeting.**

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday~~ first Wednesday after the first Monday in January next after their election. The Senate and House shall convene that day for a two-day session. When the Senate and House of Representatives adjourn on that Thursday, they stand adjourned until 12:00 noon on the third Wednesday thereafter."

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. PCS H280-CSRW-3[v.2]

H. B. No. 280 DATE 4/5/01

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Sen.) Hackney

moves to amend the bill on page 1, line 11

( ) WHICH CHANGES THE TITLE

by deleting "first Monday" and substituting "second Monday";

and in page 1, line 14, by deleting "third" and substituting "second".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 280 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 723

Short Title:	Appointed Member's Statement of Economic Int.	(Public)
Sponsors:	Representatives Pope; Barefoot, Hall, Weiss, and West.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-89 reads as rewritten:

"**§ 120-89. Statement of economic interest by legislative candidates; filing required.**

(a) Every person who files as a candidate for nomination or election to a seat in either house of the General Assembly shall file a statement of economic interest as specified in this Article within 10 days of the filing deadline for the office he seeks.

(b) The statement of economic interest shall be filed at the same place, and in the same manner, as the notice of candidacy which a candidate seeking party nomination for the office of State Senator or member of the State House of Representatives is required to file under the provisions of G.S. 163-106."

SECTION 2. G.S. 120-90 is repealed.

SECTION 3. G.S. 120-92 reads as rewritten:

"**§ 120-92. Filing by candidates not nominated in primary elections.**

A person who is nominated pursuant to the provisions of G.S. 163-114 after the primary and before the general election, and a person who qualifies pursuant to the provisions of G.S. 163-122 as an independent candidate in a general election shall file with the county board of elections of each county in the senatorial or representative district a statement of economic ~~interest.~~interest as specified in this Article. A person nominated pursuant to G.S. 163-114 shall file the statement within three days following his nomination, or not later than the day preceding the general election, whichever occurs first. A person seeking to qualify as an independent candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed pursuant to that section. A person who is nominated by party convention of a new political party in accordance with G.S. 163-98 shall file a statement of economic interest as specified in

this Article with the county board of elections of each county in the senatorial or representative district within 10 days of the certification with the State Board of Elections of the new party's candidates required by G.S. 163-98."

SECTION 4. Part 2 of Article 14 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"**§ 120-92.1. Statement of economic interest by persons appointed to legislative seats; filing required.**

Every person appointed to fill a vacant seat in the General Assembly pursuant to G.S. 163-11 shall file a statement of economic interest as specified in this Article with the Legislative Services Office and the county board of elections of each county in the senatorial or representative district no later than 10 days after taking the oath of office."

SECTION 5. G.S. 120-96 reads as rewritten:

"**§ 120-96. Contents of statement.**

(a) Any statement of economic interest filed under this Article shall be on a form prescribed by the Committee, and the person filing the statement shall supply the following information:

(1) The identity, by name, of any business with which he, or any member of his immediate household, is associated;

(2) The character and location of all real estate of a fair market value in excess of five thousand dollars ($5,000), other than his personal residence (curtilage), in the State in which he, or a member of his immediate household, has any beneficial interest, including an option to buy and a lease for 10 years or over;

(3) The type of each creditor to whom he, or a member of his immediate household, owes money, except indebtedness secured by lien upon his personal residence only, in excess of five thousand dollars ($5,000);

(4) The name of each "vested trust" in which he or a member of his immediate household has a financial interest in excess of five thousand dollars ($5,000) and the nature of such interest;

(5) The name and nature of his and his immediate household member's respective business or profession or employer and the types of customers and types of clientele served;

(6) A list of businesses with which he is associated that do business with the State, and a brief description of the nature of such business; and

(7) In the case of professional persons and associations, a list of classifications of business clients which classes were charged or paid two thousand five hundred dollars ($2,500) or more during the previous calendar year for professional services rendered by him, his firm or partnership. This list need not include the name of the client but shall list the type of the business of each such client or class of client, and brief description of the nature of the services rendered.

(b) All information provided in the statement of economic interest shall be current as of the last day of December of the year preceding the signature date."

SECTION 6. G.S. 120-98 reads as rewritten:

"**§ 120-98. Penalty for failure to file.**

(a) If a candidate does not file the statement of economic interest within the time required by this Article, the county board of elections shall immediately notify the candidate by registered mail, restricted delivery to addressee only, that, if the statement is not received within 15 days, the candidate shall not be certified as the nominee of his party. If the statement is not received within 15 days of notification, the board of elections authorized to certify a candidate as nominee to the office shall not certify the candidate as nominee under any circumstances, regardless of the number of candidates for the nomination and regardless of the number of votes the candidate receives in the primary. A vacancy thus created on a party's ticket shall be considered a vacancy for the purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S. 163-114.

(b) Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1028, s. 5.

(c) If a person appointed to fill a vacant seat in the General Assembly pursuant to G.S. 163-11 does not file the statement of economic interest within the time required by this Article, the Legislative Services Officer shall notify the person that the statement must be received within 15 days of notification. If the statement is not received within the time allowed in this subsection, then the Legislative Services Officer shall notify the Legislative Ethics Committee of the failure to file the statement."

SECTION 7. This act becomes effective January 1, 2002.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 723 DATE 4/5/01

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Allred
Sen.)

moves to amend the bill on page 3, line 20

( ) WHICH CHANGES THE TITLE

by rewriting the line to read "Section 7. This act ~~becomes~~ is effective when it becomes law.".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) 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 REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 4-5-01
Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Gary Robertson	AP
Stephen Mann	NCAR
Tim Minton	NC Home Builders Assn
Natalie English	Charlotte Chamber

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
APRIL 10, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 51 –771 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDMUND HARDING AND COMMEMORATING THE TERCENTARY OF THE FOUNDING OF BATH, FIRST TOWN IN THE COLONY OF NORTH CAROLINA

HJR 1034 – A JOINT RESOLUTION HONORING THE MEMORY OF MEMBERS OF PAST GENERAL ASSEMBLIES AND THE FIRST TRYON PALACE COMMISSION

ADJOURNMENT

MINUTES OF THE COMMITTEE OF THE RULES, CALENDAR AND OPERATIONS OF THE HOUSE

April 10, 2001

The Committee of the Rules, Calendar and Operations of the House met on April 10, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Barefoot, Barnhart, Culp, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, Setzer and Yongue.

The following House joint resolutions were considered:

HOUSE JOINT RESOLUTION 771 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDMUND HARDING AND COMMEMORATING THE TERCENTARY OF THE FOUNDING OF BATH, FIRST TOWN IN THE COLONY OF NORTH CAROLINA. Representative Edwards, sponsor of the resolution, was recognized to explain the resolution. He stated that the joint resolution honors Edmund Harding who was the first chairman of Colonial Bath and recognizes the upcoming 300th anniversary of the town's founding. Following his remarks, Representative Buchanan made a motion to give the resolution a favorable report, which motion carried.

HOUSE JOINT RESOLUTION 1034 – A JOINT RESOLUTION HONORING THE MEMORY OF MEMBERS OF PAST GENERAL ASSEMBLIES AND THE FIRST TRYON PALACE COMMISSION. Representative Wainwright, a sponsor of the resolution, was recognized. He stated that this month marks the 224th anniversary of the first session of the General Assembly of the State of North Carolina which convened at the Government House, or as it was known then as the Palace, in New Bern. The resolution honors the memory of the members of the past General Assemblies and the Tryon Palace Commission which was created by the 1945 General Assembly. Representative Jarrell moved for a favorable report. The motion passed.

There being no further business, the meeting adjourned at 1:05 p.m.

Respectfully submitted,

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 771

Sponsors:	Representatives Edwards; and Barefoot.
Referred to:	Rules, Calendar, and Operations of the House.

March 26, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDMUND HARDING AND COMMEMORATING THE TERCENTENARY OF THE FOUNDING OF BATH, FIRST TOWN IN THE COLONY OF NORTH CAROLINA.

Whereas, Native Americans resided in the vicinity of today's Town of Bath for more than a century before Europeans arrived; and

Whereas, by the 1690s, European settlers began moving into northeastern Carolina, in large part from the colony of Virginia; and

Whereas, the Lords Proprietors of Carolina authorized Governor John Archdale to dispose of land to settlers and investors at reasonable prices but not less than one-half cent per acre; and

Whereas, in 1696, Governor Archdale, acting for the Lords Proprietors, proclaimed and established the entire region from the Albemarle to the Cape Fear as Bath County, in honor of the Proprietor John Granville, Earl of Bath; and

Whereas, in 1701, the Society for the Propagation of the Gospel in Foreign Parts sent a library from Britain to St. Thomas Parish in Bath County, and that library became the first public library in the colony of North Carolina; and

Whereas, about 1704, John Lawson, who would become surveyor-general of the colony and author of the first book outlining the area's history, laid out on a small bluff overlooking the north shore of the Pamlico River a town site with lots for sale; and

Whereas, on March 8, 1705, the Colonial Assembly incorporated that site as the Town of Bath, the first town in northern Carolina; and

Whereas, in 1715, the Colonial Assembly established Port Bath as the first official port of entry in the province to include the town as well as the Pamlico Sound and the Neuse and Pamlico Rivers running into it; and

Whereas, in 1718, the Town of Bath played a significant role in the golden age of piracy in North Carolina, whereby Governor Charles Eden pardoned pirates Edward Teach (Blackbeard) and Stede Bonnet; and

Whereas, by the 1730s, the Town of Bath was on the main post road of the British colonies, which ran from Maine to Georgia; and

Whereas, in 1734, construction began on St. Thomas Church, which today is the oldest existing church in North Carolina and which was pastored for many years by Alexander Stewart, who also served as church superintendent of schools for African-Americans and Native Americans; and

Whereas, in 1743, 1744, and 1752, the Colonial Assembly of North Carolina met in the Town of Bath; and

Whereas, in 1746, the Town of Bath might have become the permanent capital of the colony but for a single vote by the Upper House of the Colonial Assembly; and

Whereas, early residents of the Town of Bath included at various times four governors of Carolina and the first chief justice of the colony; and

Whereas, Edmund Harding, the Reverend A.C.D. Noe, and others in the mid-twentieth century gave generously of their time, imagination, and resources to ensure the preservation and restoration of Bath; and

Whereas, Edmund Harding in particular traveled throughout the country and abroad to promote the history of North Carolina and its first town, earning him the title "North Carolina's Ambassador of Goodwill"; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Edmund Harding in preserving and restoring the Town of Bath and recognizes the tercentenary of the Town of Bath, the first of numerous towns incorporated in North Carolina. The General Assembly calls upon all North Carolinians to observe, celebrate, and participate in events and programs commemorating the tercentenary of the Town of Bath and its importance in the history of the State.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Bath.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules,Ccalendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 771 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDMUND HARDING AND COMMEMORATING THE TERCENTENARY OF THE FOUNDING OF BATH, FIRST TOWN IN THE COLONY 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 ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

H 1

HOUSE JOINT RESOLUTION 1034

Sponsors: Representatives Wainwright, Underhill (Primary Sponsors); Alexander, Barefoot, Luebke, and McLawhorn.

Referred to: Rules, Calendar, and Operations of the House.

April 9, 2001

A JOINT RESOLUTION HONORING THE MEMORY OF MEMBERS OF PAST GENERAL ASSEMBLIES AND THE FIRST TRYON PALACE COMMISSION.

Whereas, the first session of the General Assembly of the State of North Carolina was convened on April 7, 1777, in the Town of New Bern, in the government house generally known as the Palace, which was built by British Governor William Tryon as the first permanent capital of the Colony of North Carolina; and

Whereas, legislators attending this session began the monumental task of creating a free and independent State, unprecedented in the history of the world; and

Whereas, their actions created the legal framework within which our great State operates today; and

Whereas, the Palace was the site of the inauguration of the State's first four Governors and functioned as the government house until the City of Raleigh was designated as the official State Capital in 1794; and

Whereas, President George Washington visited the Town of New Bern and the Palace in April 1791, as part of his Southern Tour; and

Whereas, the original Palace was destroyed by fire in February 1798; and

Whereas, in 1939, the original plans for the Palace drawn by the English architect John Hawks were discovered in New York City by Gertrude Carraway of New Bern, the first director of the Tryon Palace Restoration Project; and

Whereas, the Latham and Kellenberger families of Greensboro pledged financial support for the restoration of Tryon Palace and challenged the State of North Carolina to join in this private/public partnership for the common good; and

Whereas, in 1945, the General Assembly appropriated funds for the purchase of the Palace site and created the Tryon Palace Commission, which was composed of 25 members representing every part of the State and chaired by Mrs. Maude Moore Latham; and

Whereas, under the leadership of the Tryon Palace Commission and with the full support of the General Assembly, the Palace was restored in 1959 and returned to the citizens of this State as a living legacy recalling our distinguished past; and

Whereas, today the site has grown to 22 acres, with 38 structures and dependencies, including 12 historically important buildings, 14 acres of gardens, and museum collections encompassing 4,800 historic objects and 1,700 rare books; and

Whereas, attendance has grown to more than 80,000 visitors annually, including 18,000 school children, as well as visitors from all 100 North Carolina counties, all 50 states of the United States, and more than 20 foreign countries; and

Whereas, these visitors learn about North Carolina and American history spanning two centuries and encompassing the lifestyles of all classes of society; and

Whereas, a major African-American History Project has been launched to incorporate the stories of people of color, free and enslaved, into the site and to honor their many contributions to our shared legacy; and

Whereas, nearly 1,000 citizens have joined in support of the Palace through membership in the Tryon Palace Council of Friends; and

Whereas, Tryon Palace has purchased a six-acre tract on the Trent River adjacent to the Palace grounds to be used for a History Education and Visitors Center; and

Whereas, the center will lead the nation in its innovative design and use of technology to enhance and expand our understanding of the past; and

Whereas, the center will encourage family participation and highlight the role of waterways in the early development of North Carolina and the nation and will teach ecological and environmental lessons for today's world; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of the great patriots of past eras: the members of the General Assembly who convened at Tryon Palace in 1777 and began the arduous task of creating a free and independent State; the members of the General Assembly of 1945 who had the foresight to begin restoration of the Palace in order to return to the State this place of historical significance; and the members of the first Tryon Palace Commission who through their leadership, devotion, and generosity brought to fruition the restoration of the Palace.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Tryon Palace Commission.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1034 A JOINT RESOLUTION HONORING THE MEMORY OF MEMBERS OF PAST GENERAL ASSEMBLIES AND THE FIRST TRYON PALACE 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) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

4-10-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Carmichael	REBIC
John Bourdeau	Alley Associates
Daryl M. Barnes	Poyner + Spruill, LLP
John Hunt	NCFPC
Steve Keen	NC Medical Society
Matt Wiseman	NCAA
Matt Season	Capitol Group
Sonni Schmidt	NC Justice Center

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
APRIL 12, 2001
1:05 P.M.
AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 758 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR

HR 816 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LINDSEY GUY DEWITT AND RECOGNIZING NORTH CAROLINA AS THE NASCAR STOCK CAR RACING CAPITAL OF THE WORLD

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

April 12, 2001

The Committee on Rules, Calendar and Operations of the House met on April 12, 2001 at 1:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Barefoot, Buchanan, Crawford, Culp, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, McMahan and Yongue.

The following resolutions were considered:

HOUSE JOINT RESOLUTION 758 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY 'C.C.' ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR. The chairman recognized Representative Womble, sponsor, who presented the joint resolution. He stated that Mr. Ross was a businessman who owned one of the larger painting and decorating companies in Winston Salem and was the first alderman to represent the East Ward. Among other honors, he was one of the first African-Americans to serve as Mayor Pro Tempore. Representative Buchanan moved that the joint resolution be given a favorable report, and the motion carried.

HOUSE RESOLUTION 816 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LINDSEY GUY DEWITT AND RECOGNIZING NORTH CAROLINA AS THE NASCAR STOCK CAR RACING CAPITAL OF THE WORLD. Representative Goodwin was recognized to explain the resolution. He stated that Mr. Dewitt was one of Richmond County's most prominent businessmen who helped construct the North Carolina Speedway. He was involved in motorsports and helped lead to the growth of NASCAR stock car racing nationally. Representative Goodwin further stated that he thought it fitting and appropriate that the state be recognized as the NASCAR stock car racing capital of the world. Following Representative Goodwin's remarks, Representative Jarrell sent forth an amendment and moved for its adoption. The motion carried. Representative Yongue then moved that the amendment be incorporated into a committee substitute, that the committee substitute be adopted and the original resolution be given an unfavorable report. The motion carried.

There being no further business, the meeting adjourned at 1:10 p.m.

Respectfully submitted,

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 758

Sponsors:	Representatives Womble; Decker, Gray, Oldham, and Sexton.
Referred to:	Rules, Calendar, and Operations of the House.

March 26, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR.

Whereas, Charles Calloway "C.C." Ross, Sr. was a native of Mound Bayou, Mississippi; and

Whereas, C.C. Ross received a Bachelors of Science degree from Hampton Institute; and

Whereas, C.C. Ross taught at Atkins High School in Winston-Salem and later at West Virginia State College; and

Whereas, C.C. Ross was the owner and operator of C.C. Ross Painting and Decorating Company; and

Whereas, in 1965, C.C. Ross was the first alderman to represent the East Ward of the City of Winston-Salem and was elected to three additional terms, during which time he served as Mayor Pro Tempore, Chair of the Finance Committee, and as a member of the Public Safety Committee and Recreation Committee; and

Whereas, from 1969 to 1982, C.C. Ross served as a member of the Winston-Salem State University Board of Trustees, during which time he became the first African-American to be named Chair; and

Whereas, C.C. Ross helped secure funding to improve classroom facilities at Winston-Salem State University and to have the university included in the City's downtown corridor; and

Whereas, in 1979, Southern National Bank, formerly Forsyth Bank & Trust Co., endowed a merit scholarship in honor of C.C. Ross, who was a charter member of the bank, at Winston-Salem State University's School of Business; and

Whereas, in 1983, C.C. Ross received an honorary Doctor of Humane Letters from Winston-Salem State University; and

Whereas, C.C. Ross was a fair housing advocate and served on the Board of Directors of the Winston-Salem Housing Foundation, Inc., for more than 24 years; and

Whereas, in 1992, the Board of Directors of the Winston-Salem Housing Foundation, Inc., renamed a residence facility for the elderly in honor of C.C. Ross; and

Whereas, C.C. Ross served as vice president and member of the Executive Committee of the local chapter of the NAACP; and

Whereas, C.C. Ross served as a member of the Bowman Gray Stadium Commission, Salem Lake Fishing Commission, Coliseum and Convention Center Commission, Model Cities Committee, Personnel Advisory Committee, and the Winston-Salem Advisory Committee on Transportation; and

Whereas, C.C. Ross served his country as a member of the United States Army; and

Whereas, C.C. Ross was a member of the Our Lady of Mercy Catholic Church; and

Whereas, C.C. Ross died on November 9, 1996; and

Whereas, C.C. Ross is survived by his wife, Dorothy Walls Ross, a son, Charles Ross, Jr., and a daughter, Denise B. Eaton; and

Whereas, C.C. Ross will be remembered as a dedicated community leader, a staunch supporter of Winston-Salem State University, and a beloved husband, father, and friend; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Charles Calloway "C.C." Ross, Sr. and extends its appreciation for the service he rendered to the City of Winston-Salem, Winston-Salem State University, and his community.

SECTION 2. The General Assembly expresses its deepest sympathy to the family of Charles Calloway "C.C." Ross, Sr. for the loss of their family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Charles Calloway "C.C." Ross, Sr.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 758 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 816

Sponsors:	Representatives Goodwin; and Barefoot.
Referred to:	Rules, Calendar, and Operations of the House.

March 27, 2001

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LINDSEY GUY DEWITT AND RECOGNIZING NORTH CAROLINA AS THE NASCAR STOCK CAR RACING CAPITAL OF THE WORLD.

Whereas, on October 7, 1990, Richmond County lost one of its most prominent citizens with the death of Lindsey Guy DeWitt; and

Whereas, Lindsey Guy DeWitt was born on March 23, 1912, in Camden, South Carolina, to Jesse Sterling DeWitt and Hattie Ward DeWitt; and

Whereas, in 1924, Lindsey Guy DeWitt moved with his family to Ellerbe, North Carolina; and

Whereas, Lindsey Guy DeWitt graduated from Ellerbe High School in 1928; and

Whereas, Lindsey Guy DeWitt married Carrie Bowles in 1935, and from their marriage two daughters, Jo and Nancy, were born; and

Whereas, Lindsey Guy DeWitt was a successful entrepreneur in Richmond County, where he was owner and president of L.G. DeWitt Trucking Company, Textile Motor Freight, North State Orchards, and numerous other business ventures; and

Whereas, Lindsey Guy DeWitt helped to organize the Richmond County Bank, and, for a time, had the distinction of being the largest peach grower in the world; and

Whereas, in 1965, Lindsey Guy DeWitt was among a group of business people who joined together to complete the construction of the North Carolina Speedway in Richmond County; and

Whereas, Lindsey Guy DeWitt was president of the Richmond County facility from 1972 until his death in 1990; and

Whereas, Lindsey Guy DeWitt was honored as the Richmond County Citizen of the Year in 1991; and

Whereas, Lindsey Guy DeWitt's involvement in motorsports led to the formation of his own NASCAR racing team, DeWitt Racing Enterprises, in 1966; and

Whereas, in 1973, Lindsey Guy DeWitt's racing team won the Winston Cup Championship and in 1975, his racing team won the Daytona 500; and

Whereas, John Sears of Ellerbe was the first driver for the racing team and former Grand National Champion Benny Parsons, also of Ellerbe, later became the driver; and

Whereas, in 1975, Lindsey Guy DeWitt became president of the Atlanta International Raceway and guided it out of bankruptcy; and

Whereas, Lindsey Guy DeWitt played an important role in the growth of NASCAR stock car racing; and

Whereas, today, NASCAR stock car racing is one of the most popular spectator sports in the United States, attracting families and individuals from all socio-economic levels; and

Whereas, the North Carolina Speedway in Rockingham holds two races annually, the NASCAR Winston Cup Series and NASCAR Busch Series, attracting thousands of spectators and bringing worldwide attention to Richmond County and the Sandhills region of the State; and

Whereas, the Coca-Cola 600, held annually on the last Sunday in May at the Lowe's Motor Speedway in Charlotte, is one of NASCAR's most popular attractions; and

Whereas, in 1996, a study prepared by the North Carolina Department of Commerce found that the motorsports industry contributed $392,000,000 to the State's economy and provided 4,240 jobs; and

Whereas, today that economic impact figure has climbed to over $1 billion dollars; and

Whereas, over 75% of the equipment used in stock car racing is produced and sold in North Carolina; and

Whereas, over 70% of the top Winston Cup stock car teams are headquartered in North Carolina; and

Whereas, over 75% of the Grand National stock car teams are based in North Carolina; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the life and memory of Lindsey Guy DeWitt and expresses the deep gratitude and appreciation of this State and its citizens for his life and service to his community and State.

SECTION 2. The House of Representatives expresses its sincere sympathy to the family and friends of Lindsey Guy DeWitt for their loss.

SECTION 3. The House of Representatives wishes to recognize North Carolina as the NASCAR Stock Car Racing Capital of the World and encourages the citizens of this State to attend stock car racing events held in North Carolina.

SECTION 4. The House of Representatives encourages the continued growth of stock car racing events in North Carolina in the years ahead and supports the holding of no fewer than the current number of racing events in North Carolina.

SECTION 5. The Principal Clerk shall transmit a certified copy of this resolution to the family of Lindsey Guy DeWitt.

SECTION 6. This resolution is effective upon adoption.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 816

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H816-ASW-55 [v.1]

Date April 12 ,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Jarrell

moves to amend the bill on page 1, line 4, by deleting "7," and substituting "9,"; and
on page 1, line 26, by deleting "1991;" and substituting "1985;"; and
on page 2, line 6, by deleting "1975," and substituting "1972,".

SIGNED Mary L. Jarrell
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.R. 816 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF LINDSEY GUY DEWITT AND RECOGNIZING NORTH CAROLINA AS THE NASCAR STOCK CAR RACING CAPITAL OF THE WORLD.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☒ With favorable report as to the committee substitute resolution, unfavorable as to the original resolution and recommendation that the committee substitute resolution be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
APRIL 19, 2001
11:00 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 93 – EXPAND CHILD ABUSE DEFINITION

HB 599 – REVISE CONSUMER FINANCE ACT

HB 1341 – AMEND AUCTIONS/AUCTIONEERS LAWS

HB 1342 – NOTIFICATION OF LEASED MV PARKING VIOLATIONS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

April 19, 2001

The Committee of Rules, Calendar and Operations of the House met on April 19, 2001 at 11:00 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barefoot, Buchanan, Crawford, Culp, Gulley, Hill, Justus, Luebke, McComas, McCombs, McMahan, Michaux, Rogers, Thompson and Yongue.

The following bills were considered:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 93 – AN ACT TO EXPAND THE DEFINITION OF CHILD ABUSE TO INCLUDE CASES WHERE A CARETAKER OR OTHER PERSON PERSISTENTLY FABRICATES OR MISREPRESENTS MEDICAL ILLNESS IN THE CHILD IN ORDER TO OBTAIN OTHERWISE UNNECESSARY MEDICAL CARE. The chairman stated that the bill was before the committee procedurally by re-referral of the Speaker, and Representative Thompson moved that the committee substitute be reported without prejudice. The motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 599 – AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTE. A proposed committee substitute was offered, and Representative Michaux moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, the chairman so ordered. Representative Michaux, bill sponsor, was recognized to present the bill. He stated that the bill updates the consumer lending laws in the state, which were last revised in 1984. He then explained the latest changes, which included increases in allowable loan amounts, interest and processing fees. The chairman reminded the committee that the bill had been given a favorable report by the Committee on Financial Institutions, and that it was before the Rules Committee on a procedural basis. Representative McMahan spoke in favor of the bill and moved that the bill be reported without prejudice, unfavorable as to the original committee substitute. Rob Schofield, Attorney for the North Carolina Justice & Community Development Center, spoke against the bill, stating that the increases were

too large. Dick Carlton, representing North Carolina Financial Service Association, and Roger Bone, representing Resident Lenders of NC, small loan companies, spoke in favor of the proposed committee substitute. Following a lengthy discussion, the motion by Representative McMahan passed.

HOUSE BILL 1341 – AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE. The chairman asked Representative Hackney to preside in order that he, as the bill sponsor, might explain the bill. He stated that he sponsored legislation on behalf of the Auctioneers Commission in 1999, which established the commission. There were technical problems, however, with the Rules Review Commission, and he explained the sections of the bill clarifying portions of the original bill. Representative Michaux moved that the bill be given a favorable report, which motion passed.

HOUSE BILL 1342 – AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE. Representative Hackney continued presiding as Representative Culpepper, bill sponsor, presented the bill and offered a proposed committee substitute for discussion. Representative Culpepper stated that the bill concerns parking tickets given to people who operate leased vehicles. Existing law allows rental car companies to forward to the court sworn evidence that the car was leased at the time the parking ticket was issued including the name and address of the person who rented the car. However, the statute is vague in that there is no time limit for the ticketing authority to notify the owner of the ticket which, in some cases, has been as much as a year after the violation. The statute requiring the owner of the car to furnish the affidavit within a reasonable time is also vague. This bill amends the statute whereby in order for the rental car company not to be liable for the parking ticket, it must receive notification within 90 days of the violation and it must furnish sworn evidence to the court within 30 days after receiving the notice. If notice is not received within 90 days of the violation and the company sends sworn evidence within 30 days after receiving the notice, it will not be required to furnish the name and address of the person to whom the car is leased. Representative Luebke made a motion that the proposed committee substitute be given a favorable report, unfavorable as to the original bill. The motion carried.

There being no further business, the meeting adjourned at 11:30 a.m.

Representative ~~Bill~~ Culpepper, Chairman

Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 93

Committee Substitute Favorable 3/28/01

Short Title: Expand Child Abuse Definition. (Public)

Sponsors:

Referred to:

February 12, 2001

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE DEFINITION OF CHILD ABUSE TO INCLUDE CASES WHERE A CARETAKER OR OTHER PERSON PERSISTENTLY FABRICATES OR MISREPRESENTS MEDICAL ILLNESS IN THE CHILD IN ORDER TO OBTAIN OTHERWISE UNNECESSARY MEDICAL CARE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-101(1) reads as rewritten:

"(1) Abused juveniles. – Any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

a. Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;

b. Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;

c. Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;

d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: first-degree rape, as provided in G.S. 14-27.2; second degree rape as provided in G.S. 14-27.3; first-degree sexual offense, as provided in G.S. 14-27.4; second degree sexual offense, as provided in G.S. 14-27.5; sexual act by a custodian, as provided in G.S. 14-27.7; crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178 and G.S. 14-179; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S.

14-190.8; displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-190.18; and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1, regardless of the age of the parties;

e. Creates or allows to be created serious emotional damage to the juvenile; serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others; ~~or~~

f. Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the ~~juvenile.~~ juvenile; or

g. Persistently fabricates or misrepresents medical illness in the juvenile, either by producing or simulating the illness or both, in order to obtain otherwise unnecessary medical care."

SECTION 2. G.S. 14-318.4 is amended by adding a new subsection to read:

"(a4) A parent, guardian, custodian, or caretaker of a child less than 16 years of age who persistently and intentionally fabricates or misrepresents medical illness in the child, either by producing or simulating the illness or both, in order to obtain otherwise unnecessary medical care is guilty of a Class E felony."

SECTION 3. This act becomes effective December 1, 2001, and applies to actions that take place after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 93 A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF CHILD ABUSE TO INCLUDE CASES WHERE A CARETAKER OR OTHER PERSON PERSISTENTLY FABRICATES OR MISREPRESENTS MEDICAL ILLNESS IN THE CHILD IN ORDER TO OBTAIN OTHERWISE UNNECESSARY MEDICAL CARE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 599
Committee Substitute Favorable 4/5/01

Short Title: Revise Consumer Finance Act. (Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 53-168 reads as rewritten:

"**§ 53-168. License required; showing of convenience, advantage and financial responsibility; investigation of applicants; hearings; existing businesses; contents of license; transfer; posting.**

(a) Necessity for License; Prerequisites to Issuance. – No person shall engage in or offer to engage in the business regulated by this Article unless and until a license has been issued by the Commissioner of Banks, and the Commissioner shall not issue any such license unless and until ~~he~~ the Commissioner finds:

(1) That authorizing the applicant to engage in such business will promote the convenience and advantage of the community in which the applicant proposes to engage in business; and

(2) That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the

public and to warrant the belief that the business will be operated lawfully and fairly, within the purposes of this Article; and

(3) That the applicant has available for the operation of such business at the specified location loanable assets of at least ~~twenty-five thousand dollars ($25,000).~~ fifty thousand dollars ($50,000).

(b) Investigation of Applicants. – Upon the receipt of an application, the Commissioner shall investigate the facts. If the Commissioner determines from such preliminary investigation that the applicant does not satisfy the conditions set forth in subsection (a), ~~he~~ the Commissioner shall so notify the applicant who shall then be entitled to an informal hearing thereon provided he so requests in writing within 30 days after the Commissioner has caused the above-referred to notification to be mailed to the applicant. In the event of a hearing, to be held in the offices of the Commissioner of Banks in Raleigh, the Commissioner shall reconsider the application and, after the hearing, issue a written order granting or denying such application. At the time of making such application, the applicant shall pay the Banking Department the sum of two hundred fifty dollars ($250.00) as a fee for investigating the application, which shall be retained irrespective of whether or not a license is granted the applicant.

~~(c) Existing Business. Notwithstanding the provisions of this section, any person, firm or corporation which, on December 31, 1973, was a licensee under this Article either as a licensee to make loans under the provisions of G.S. 53-173 or as a motor vehicle lender under G.S. 53-176.1, may surrender such license to the Commissioner within 90 days after May 25, 1974, and elect to become a licensee to make loans under either G.S. 53-173 or 53-176.1 but not both. Such license shall be issued by the Commissioner without further application or investigation and the licensee shall be deemed a licensee under the category that it elects upon the surrender of its current license and the election.~~

(d) Required Assets Available. – Each licensee shall continue at all times to have available for the operation of the business at the specified location loanable assets of at least ~~twenty-five thousand dollars ($25,000).~~ fifty thousand dollars ($50,000). The requirements and standards of this subsection and subsection (a)(2) of this section shall be maintained throughout the period of the license and failure to maintain such requirements or standards shall be grounds for the revocation of a license under the provisions of G.S. 53-171 of this Article.

(e) License, Posting, Continuing. – Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a copartnership, or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Transfer or assignment of a license by one person to another by sale or otherwise is prohibited without the prior approval of the Commissioner. Each license shall be kept posted in the licensed place of business. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided."

SECTION 2. G.S. 53-173 reads as rewritten:

"§ 53-173. **Maximum rate of ~~charge;~~ interest and fee; computation of ~~charges;~~ interest; limitation on interest after judgment; limitation on interest after maturity of the loan.**

(a) Maximum Rate of ~~Charge.~~ Interest. – Every licensee hereunder may contract for, compute, and receive on any loan of money, not exceeding ~~three thousand dollars ($3,000)~~ six thousand dollars ($6,000) in amount, ~~charges~~ interest at rates not exceeding ~~thirty-six percent (36%)~~ thirty percent (30%) per annum on that part of the unpaid principal balance of any loan not in excess of ~~six hundred dollars ($600.00) and fifteen percent (15%)~~ one thousand eight hundred dollars ($1,800) and eighteen percent (18%) per annum on any remainder of such unpaid principal balance. Interest shall be contracted for and collected at the single simple interest rate applied to the outstanding balance that would earn the same amount of interest as the above rates for payment according to schedule.

(a1) Maximum Fee. – In addition to the interest authorized in subsection (a) of this section, a licensee making loans under this section may collect from the borrower a fee for processing the loan equal to five percent (5%) of the cash advance, not to exceed fifty dollars ($50.00), provided that such charges may not be assessed more than twice in any 12-month period. The Commission may review charges assessed pursuant to this subsection and may adopt appropriate rules in accordance with G.S. 53-185.

(b) Computation of ~~Charges.~~ Interest. – ~~Charges~~ Interest on loans made pursuant to this section shall not be paid, deducted, or received in advance. Such ~~charges~~ interest shall not be compounded but ~~charges~~ interest on loans shall (i) be computed and paid only as a percentage of the unpaid principal balance or portion thereof and (ii) computed on the basis of the number of days actually elapsed; provided, however, if part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the loan contract may include any unpaid ~~charges~~ interest on the prior loan which have accrued within 90 days before the making of the new loan contract. For the purpose of computing ~~charges,~~ interest, a day shall equal 1/365th of a year. Any payment made on a loan shall be applied first to any accrued interest and then to principal, and any portion or all of the principal balance may be prepaid at any time without penalty.

(c) Limitation on Interest after Judgment. – If judgment be obtained against any party on any loan made under the provisions of this section neither the judgment nor the loan shall carry, from the date of the judgment, any interest in excess of eight percent (8%) per annum.

(d) Limitation of Interest after Maturity of Loan. – After the maturity date of any loan contract made under the provisions of this section and until the loan contract is paid in full by cash, new loan, refinancing or otherwise, no charges other than interest at eight percent (8%) per annum shall be computed or collected from any party to the loan upon the unpaid principal balance of the loan.

(e) Repealed by Session Laws 1989, c. 17, s. 3.

~~(f) Subject to the limitations contained in this Article as to maximum rates, the Commission may from time to time, upon the basis of changed conditions or facts, redetermine and refix any such maximum rates of charge, but, before determining or redetermining any such maximum rates, the Commission shall give reasonable notice of its intention to consider doing so to all licensees and a reasonable opportunity to be heard and introduce evidence with respect thereto. The notice herein required may be given by mailing such notice to the offices of the licensees as shown in the records of the Commissioner of Banks. Any such changed maximum rates of charge shall not affect preexisting loan contracts lawfully entered into between any licensee and any borrower.~~"

SECTION 3. G.S. 53-165(a) reads as rewritten:

"(a) "Amount of the loan" shall mean the aggregate of the cash advance and the ~~charges~~ interest authorized by G.S. 53-173."

SECTION 4. G.S. 53-176 reads as rewritten:

"**§ 53-176. Optional rates, maturities and amounts.**

(a) In lieu of making loans in the amount and at the ~~charges~~ interest stated in G.S. 53-173 and for the terms stated in G.S. 53-180, a licensee may at any time elect to make loans in installments not exceeding ten thousand dollars ($10,000) and which shall not be repayable in less than six months or more than 84 months and which shall not be secured by deeds of trust or mortgages on real estate and which are repayable in substantially equal consecutive monthly payments and to charge and collect interest in connection therewith which shall not exceed ~~the following actuarial rates:~~

~~(1) With respect to a loan not exceeding seven thousand five hundred dollars ($7,500), thirty percent (30%) per annum on that part of the unpaid principal balance not exceeding one thousand dollars ($1,000)~~ the actuarial rates of twenty-eight percent (28%) per annum on that part of the unpaid principal balance not exceeding two thousand dollars ($2,000) and eighteen percent (18%) per annum on the remainder of the unpaid principal balance. Interest shall be contracted for and collected at the single simple interest rate applied to the outstanding balance that would earn the same amount of interest as the above rates for payment according to schedule.

~~(2) With respect to a loan exceeding seven thousand five hundred dollars ($7,500), eighteen percent (18%) per annum on the outstanding principal balance.~~

(b) In addition to the interest permitted in this section, a licensee may assess at closing a ~~reasonable credit investigation charge as agreed upon by the parties,~~ fee for processing the loan equal to five percent (5%) of the cash advance, not to exceed ~~the actual cost of the credit investigation;~~ fifty dollars ($50.00), provided that such charges may not be assessed more than twice in any 12-month period. The ~~Commissioner of Banks~~ Commission may review charges assessed pursuant to this ~~section~~ subsection and may adopt appropriate rules in accordance with G.S. 53-185.

(c) The provisions of G.S. 53-173(b), (c) and (d) and G.S. 53-180(b), (c), (d), (e), (f), (g), (h) and (i) shall apply to loans made pursuant to this section.

(d) Any licensee under this Article shall have the right to elect to make loans in accordance with this section by the filing of a written statement to that effect with the Commissioner and on date of such notification begin making loans regulated by this section for the following 12 months. Annually after such election a licensee may elect to make loans in accordance with this section unless the licensee notifies in writing the Commissioner of its intention to terminate such election.

(e) The due date of the first monthly payment shall not be more than 45 days following the disbursement of funds under any such installment loan. A borrower under this section may prepay all or any part of a loan made under this section without penalty.

(f) No individual, partnership, or corporate licensee and no corporation which is the parent, subsidiary or affiliate of a corporate licensee that is making loans under this Article except as authorized in this section, shall be permitted to make loans under the provisions of this section. Any corporate licensee or individual or partnership licensee that elects to make loans in accordance with the provisions of this section shall be bound by that election with respect to all of its offices and locations in this State and all offices and locations in this State of its parent, subsidiary or affiliated corporate licensee, or with respect to all of his or their offices and locations in this State.

(g) A lender may charge a party to a loan or extension of credit governed by this section a late payment charge not to exceed five percent (5%) of the payment due or seven dollars ($7.00), whichever is greater, for any payment past due for 10 days or more; provided, in no case shall the late charge exceed the outstanding principal balance. If a late payment charge has been once imposed with respect to a late payment, no late charge shall be imposed with respect to any future payment which would have been timely and sufficient but for the previous default."

SECTION 5. G.S. 53-181(a) is amended by adding a new subdivision to read:

"(10) In addition to any disclosures otherwise provided by law, a licensee soliciting loans using a facsimile or negotiable check shall disclose the following:

'THIS IS A SOLICITATION FOR A LOAN. READ THE ENCLOSED DISCLOSURES BEFORE SIGNING THIS AGREEMENT.'

This notice shall be printed in not less than 12-point bold type and shall appear conspicuously on the offer."

SECTION 6. G.S. 53-182(b) reads as rewritten:

"(b) Upon payment of any loan in full, a licensee shall cancel and return to the borrower, within a reasonable length of time, originals or copies of any note, assignment, mortgage, deed of trust, or other instrument securing such loan, which no longer secures any indebtedness of the borrower to the licensee."

SECTION 7. G.S. 53-184(a) reads as rewritten:

"(a) Each licensee shall maintain all books and records relating to loans made under this Article required by the Commissioner of Banks to be kept, and the Commissioner, his deputy, or duly authorized examiner or agent or employee is authorized and empowered to examine such records at any reasonable time. Such books and records may be maintained in the form of magnetic tape, magnetic ~~disk~~ disk, optical disk, or other form of computer, electronic or microfilm media available for examination on the basis of computer printed reproduction, video display or other medium acceptable to the Commissioner of Banks; provided, however, that such books and records so kept must be convertible into clearly legible tangible documents within a reasonable time. Any licensee having more than one licensed office may maintain such books and records at a location other than the licensed office location if such location is approved by the Commissioner; provided that, upon such requirements as may be imposed by the Commissioner of Banks, there shall be available to the borrower at each licensed location or such other location convenient to the borrower, as designated by the licensee, complete loan information; and provided further that such books and records of each licensed office shall be clearly segregated. When a licensee maintains its books and records outside of North Carolina, the licensee shall make them available for examination at the place where they are maintained and shall pay for all reasonable and necessary expenses incurred by the Commissioner in conducting such examination. Where the data processing for any licensee is performed by a person other than the licensee, the licensee shall provide to the Commissioner of Banks a copy of a binding agreement between the licensee and the data processor which allows the Commissioner of Banks, his deputy, or duly authorized examiner or agent or employee to examine that particular data processor's activities pertaining to the licensee to the same extent as if such services were being performed by the licensee on its own premises; and, notwithstanding the provisions of G.S. 53-167 and 53-122, when billed by the Commissioner of Banks, the licensee shall reimburse the Commissioner of Banks for all costs and expenses incurred by ~~him~~ the Commissioner in such examination."

SECTION 8. This act becomes effective July 1, 2001, and applies to loans made on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 599

Committee Substitute Favorable 4/5/01

PROPOSED COMMITTEE SUBSTITUTE H599-CSRO-12 [v.1]

4/18/2001 3:29:21 PM

Short Title: Revise Consumer Finance Act. (Public)

Sponsors:

Referred to:

March 14, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 53-168 reads as rewritten:

"**§ 53-168. License required; showing of convenience, advantage and financial responsibility; investigation of applicants; hearings; existing businesses; contents of license; transfer; posting.**

(a) Necessity for License; Prerequisites to Issuance. – No person shall engage in or offer to engage in the business regulated by this Article unless and until a license has been issued by the Commissioner of Banks, and the Commissioner shall not issue any such license unless and until ~~he~~ the Commissioner finds:

(1) That authorizing the applicant to engage in such business will promote the convenience and advantage of the community in which the applicant proposes to engage in business; and

(2) That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the

public and to warrant the belief that the business will be operated lawfully and fairly, within the purposes of this Article; and

(3) That the applicant has available for the operation of such business at the specified location loanable assets of at least ~~twenty-five thousand dollars ($25,000).~~ fifty thousand dollars ($50,000).

(b) Investigation of Applicants. – Upon the receipt of an application, the Commissioner shall investigate the facts. If the Commissioner determines from such preliminary investigation that the applicant does not satisfy the conditions set forth in subsection (a), ~~he~~ the Commissioner shall so notify the applicant who shall then be entitled to an informal hearing thereon provided he so requests in writing within 30 days after the Commissioner has caused the above-referred to notification to be mailed to the applicant. In the event of a hearing, to be held in the offices of the Commissioner of Banks in Raleigh, the Commissioner shall reconsider the application and, after the hearing, issue a written order granting or denying such application. At the time of making such application, the applicant shall pay the Banking Department the sum of two hundred fifty dollars ($250.00) as a fee for investigating the application, which shall be retained irrespective of whether or not a license is granted the applicant.

~~(c) Existing Business. Notwithstanding the provisions of this section, any person, firm or corporation which, on December 31, 1973, was a licensee under this Article either as a licensee to make loans under the provisions of G.S. 53-173 or as a motor vehicle lender under G.S. 53-176.1, may surrender such license to the Commissioner within 90 days after May 25, 1974, and elect to become a licensee to make loans under either G.S. 53-173 or 53-176.1 but not both. Such license shall be issued by the Commissioner without further application or investigation and the licensee shall be deemed a licensee under the category that it elects upon the surrender of its current license and the election.~~

(d) Required Assets Available. – Each licensee shall continue at all times to have available for the operation of the business at the specified location loanable assets of at least ~~twenty-five thousand dollars ($25,000).~~ fifty thousand dollars ($50,000). The requirements and standards of this subsection and subsection (a)(2) of this section shall be maintained throughout the period of the license and failure to maintain such requirements or standards shall be grounds for the revocation of a license under the provisions of G.S. 53-171 of this Article.

(e) License, Posting, Continuing. – Each license shall state the address at which the business is to be conducted and shall state fully the name of the licensee, and if the licensee is a copartnership, or association, the names of the members thereof, and if a corporation, the date and place of its incorporation. Transfer or assignment of a license by one person to another by sale or otherwise is prohibited without the prior approval of the Commissioner. Each license shall be kept posted in the licensed place of business. Each license shall remain in full force and effect until surrendered, revoked, or suspended as hereinafter provided."

SECTION 2. G.S. 53-173 reads as rewritten:

"§ 53-173. **Maximum rate of ~~charge;~~ interest and fee; computation of ~~charges;~~ interest; limitation on interest after judgment; limitation on interest after maturity of the loan.**

(a) Maximum Rate of ~~Charge.~~ Interest. – Every licensee hereunder may contract for, compute, and receive on any loan of money, not exceeding ~~three thousand dollars ($3,000)~~ six thousand dollars ($6,000) in amount, ~~charges~~ interest at rates not exceeding ~~thirty-six percent (36%)~~ thirty percent (30%) per annum on that part of the unpaid principal balance of any loan not in excess of ~~six hundred dollars ($600.00) and fifteen percent (15%)~~ one thousand eight hundred dollars ($1,800) and eighteen percent (18%) per annum on any remainder of such unpaid principal balance. Interest shall be contracted for and collected at the single simple interest rate applied to the outstanding balance that would earn the same amount of interest as the above rates for payment according to schedule.

(a1) Maximum Fee. – In addition to the interest authorized in subsection (a) of this section, a licensee making loans under this section may collect from the borrower a fee for processing the loan equal to twenty-five dollars ($25.00), provided that such charges may not be assessed more than twice in any 12-month period. The Commission may review charges assessed pursuant to this subsection and may adopt appropriate rules in accordance with G.S. 53-185.

(b) Computation of ~~Charges.~~ Interest. – ~~Charges~~ Interest on loans made pursuant to this section shall not be paid, deducted, or received in advance. Such ~~charges~~ interest shall not be compounded but ~~charges~~ interest on loans shall (i) be computed and paid only as a percentage of the unpaid principal balance or portion thereof and (ii) computed on the basis of the number of days actually elapsed; provided, however, if part or all of the consideration for a loan contract is the unpaid principal balance of a prior loan, then the principal amount payable under the loan contract may include any unpaid ~~charges~~ interest on the prior loan which have accrued within 90 days before the making of the new loan contract. For the purpose of computing ~~charges,~~ interest, a day shall equal 1/365th of a year. Any payment made on a loan shall be applied first to any accrued interest and then to principal, and any portion or all of the principal balance may be prepaid at any time without penalty.

(c) Limitation on Interest after Judgment. – If judgment be obtained against any party on any loan made under the provisions of this section neither the judgment nor the loan shall carry, from the date of the judgment, any interest in excess of eight percent (8%) per annum.

(d) Limitation of Interest after Maturity of Loan. – After the maturity date of any loan contract made under the provisions of this section and until the loan contract is paid in full by cash, new loan, refinancing or otherwise, no charges other than interest at eight percent (8%) per annum shall be computed or collected from any party to the loan upon the unpaid principal balance of the loan.

(e) Repealed by Session Laws 1989, c. 17, s. 3.

~~(f) Subject to the limitations contained in this Article as to maximum rates, the Commission may from time to time, upon the basis of changed conditions or facts, redetermine and refix any such maximum rates of charge, but, before determining or redetermining any such maximum rates, the Commission shall give reasonable notice of its intention to consider doing so to all licensees and a reasonable opportunity to be heard and introduce evidence with respect thereto. The notice herein required may be given by mailing such notice to the offices of the licensees as shown in the records of the Commissioner of Banks. Any such changed maximum rates of charge shall not affect preexisting loan contracts lawfully entered into between any licensee and any borrower.~~"

SECTION 3. G.S. 53-165(a) reads as rewritten:

"(a) "Amount of the loan" shall mean the aggregate of the cash advance and the ~~charges~~ interest authorized by G.S. 53-173."

SECTION 4. G.S. 53-176 reads as rewritten:

"**§ 53-176. Optional rates, maturities and amounts.**

(a) In lieu of making loans in the amount and at the ~~charges~~ interest stated in G.S. 53-173 and for the terms stated in G.S. 53-180, a licensee may at any time elect to make loans in installments not exceeding ten thousand dollars ($10,000) and which shall not be repayable in less than six months or more than 84 months and which shall not be secured by deeds of trust or mortgages on real estate and which are repayable in substantially equal consecutive monthly payments and to charge and collect interest in connection therewith which shall not exceed ~~the following actuarial rates:~~

~~(1) With respect to a loan not exceeding seven thousand five hundred dollars ($7,500), thirty percent (30%) per annum on that part of the unpaid principal balance not exceeding one thousand dollars ($1,000)~~ the actuarial rates of twenty-eight percent (28%) per annum on that part of the unpaid principal balance not exceeding two thousand dollars ($2,000) and eighteen percent (18%) per annum on the remainder of the unpaid principal balance. Interest shall be contracted for and collected at the single simple interest rate applied to the outstanding balance that would earn the same amount of interest as the above rates for payment according to schedule.

~~(2) With respect to a loan exceeding seven thousand five hundred dollars ($7,500), eighteen percent (18%) per annum on the outstanding principal balance.~~

(b) In addition to the interest permitted in this section, a licensee may assess at closing a ~~reasonable credit investigation charge as agreed upon by the parties,~~ fee for processing the loan equal to ~~not to exceed the actual cost of the credit investigation;~~ forty dollars ($40.00), provided that such charges may not be assessed more than twice in any 12-month period. The ~~Commissioner of Banks~~ Commission may review charges assessed pursuant to this ~~section~~ subsection and may adopt appropriate rules in accordance with G.S. 53-185.

(c) The provisions of G.S. 53-173(b), (c) and (d) and G.S. 53-180(b), (c), (d), (e), (f), (g), (h) and (i) shall apply to loans made pursuant to this section.

(d) Any licensee under this Article shall have the right to elect to make loans in accordance with this section by the filing of a written statement to that effect with the Commissioner and on date of such notification begin making loans regulated by this section for the following 12 months. Annually after such election a licensee may elect to make loans in accordance with this section unless the licensee notifies in writing the Commissioner of its intention to terminate such election.

(e) The due date of the first monthly payment shall not be more than 45 days following the disbursement of funds under any such installment loan. A borrower under this section may prepay all or any part of a loan made under this section without penalty.

(f) No individual, partnership, or corporate licensee and no corporation which is the parent, subsidiary or affiliate of a corporate licensee that is making loans under this Article except as authorized in this section, shall be permitted to make loans under the provisions of this section. Any corporate licensee or individual or partnership licensee that elects to make loans in accordance with the provisions of this section shall be bound by that election with respect to all of its offices and locations in this State and all offices and locations in this State of its parent, subsidiary or affiliated corporate licensee, or with respect to all of his or their offices and locations in this State.

(g) A lender may charge a party to a loan or extension of credit governed by this section a late payment charge not to exceed five percent (5%) of the payment due or seven dollars ($7.00), whichever is greater, for any payment past due for 10 days or more; provided, in no case shall the late charge exceed the outstanding principal balance. If a late payment charge has been once imposed with respect to a late payment, no late charge shall be imposed with respect to any future payment which would have been timely and sufficient but for the previous default."

SECTION 5. G.S. 53-181(a) is amended by adding a new subdivision to read:

"(10) In addition to any disclosures otherwise provided by law, a licensee soliciting loans using a facsimile or negotiable check shall disclose the following:

'THIS IS A SOLICITATION FOR A LOAN. READ THE ENCLOSED DISCLOSURES BEFORE SIGNING THIS AGREEMENT.'

This notice shall be printed in not less than 12-point bold type and shall appear conspicuously on the offer."

SECTION 6. G.S. 53-182(b) reads as rewritten:

"(b) Upon payment of any loan in full, a licensee shall cancel and return to the borrower, within a reasonable length of time, originals or copies of any note, assignment, mortgage, deed of trust, or other instrument securing such loan, which no longer secures any indebtedness of the borrower to the licensee."

SECTION 7. G.S. 53-184(a) reads as rewritten:

"(a) Each licensee shall maintain all books and records relating to loans made under this Article required by the Commissioner of Banks to be kept, and the Commissioner, his deputy, or duly authorized examiner or agent or employee is authorized and empowered to examine such records at any reasonable time. Such books and records may be maintained in the form of magnetic tape, magnetic ~~disk~~ disk, optical disk, or other form of computer, electronic or microfilm media available for examination on the basis of computer printed reproduction, video display or other medium acceptable to the Commissioner of Banks; provided, however, that such books and records so kept must be convertible into clearly legible tangible documents within a reasonable time. Any licensee having more than one licensed office may maintain such books and records at a location other than the licensed office location if such location is approved by the Commissioner; provided that, upon such requirements as may be imposed by the Commissioner of Banks, there shall be available to the borrower at each licensed location or such other location convenient to the borrower, as designated by the licensee, complete loan information; and provided further that such books and records of each licensed office shall be clearly segregated. When a licensee maintains its books and records outside of North Carolina, the licensee shall make them available for examination at the place where they are maintained and shall pay for all reasonable and necessary expenses incurred by the Commissioner in conducting such examination. Where the data processing for any licensee is performed by a person other than the licensee, the licensee shall provide to the Commissioner of Banks a copy of a binding agreement between the licensee and the data processor which allows the Commissioner of Banks, his deputy, or duly authorized examiner or agent or employee to examine that particular data processor's activities pertaining to the licensee to the same extent as if such services were being performed by the licensee on its own premises; and, notwithstanding the provisions of G.S. 53-167 and 53-122, when billed by the Commissioner of Banks, the licensee shall reimburse the Commissioner of Banks for all costs and expenses incurred by ~~him~~ the Commissioner in such examination."

SECTION 8. This act becomes effective July 1, 2001, and applies to loans made on or after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations sof the House.**

☒ Committee Substitute for
H.B. 599 A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ Reported 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 1341

Short Title:	Amend Auctions/Auctioneers Laws.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 85B-3.2 is amended by adding a new subsection to read:

"(g) The Commission shall collect any fees required by the Department of Justice and shall remit the fees to the Department of Justice for expenses associated with conducting the criminal history record check."

SECTION 2. G.S. 85B-4(e1) reads as rewritten:

"(e1) The Commission may require licensees to complete annually not more than six hours of Commission-approved continuing education courses prior to license renewal. The Commission may impose different continuing education requirements, including no such requirements, upon the classes of licensees under this Chapter. The Commission may waive any or all continuing education requirements in cases of hardship, disability, or illness, or under other circumstances as the Commission deems appropriate. The Commission may adopt rules not inconsistent with the provisions of this Chapter to establish continuing education requirements, including rules that govern any of the following:

(1) The content and subject matter of continuing education courses.
(2) The curriculum of required continuing education courses.
(3) The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors.
(4) The methods of instruction for continuing education courses.
(5) The computation of course credit.

(6) The number of credit hours needed annually.
(7) The ability to carry forward course credit from one year to another.
(8) The waiver of the continuing education requirement for hardship or other reasons to be determined by the Commission.
(9) The procedures for compliance and noncompliance."

SECTION 3. G.S. 85B-4 is amended by adding the following new subsections to read:

"(j) The Commission shall have the power to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State as to the acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by the Commission for an encumbrance is limited to the assets, income, and revenues of the Commission.

(k) The Commission may purchase, rent, or lease equipment and supplies and purchase liability insurance or other insurance to cover the activities of the Commission, its operations, or its employees."

SECTION 4. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 1341 A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY ISURANCE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1342

Short Title:	Notification of Leased MV Parking Violations.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-162.1(b) reads as rewritten:

"(b) The prima facie rule of evidence established by subsection (a) shall not apply to the registered owner of a leased or rented vehicle parked in violation of law when ~~said~~ the owner can furnish sworn evidence that the vehicle was, at the time of the parking violation, leased or rented, to another ~~person.~~person or company. In ~~such~~ those instances, the owner of the vehicle ~~shall, within a reasonable time after notification of the parking violation,~~shall furnish sworn evidence to the courts ~~the name and address of the person or company who leased or rented the vehicle.~~in accordance with this subsection.

If the notification is given to the owner of the vehicle within 90 days after the date of the violation, the owner shall have 30 days to file with the courts the sworn evidence including the name and address of the person or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to provide the name or address of the lessee or renter of the vehicle in the sworn evidence."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1342
PROPOSED COMMITTEE SUBSTITUTE H1342-CSRW-20 [v.1]

4/19/2001 9:26:49 AM

Short Title: Notificaton of Leased MV Parking Violations. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-162.1(b) reads as rewritten:

"(b) The prima facie rule of evidence established by subsection (a) shall not apply to the registered owner of a leased or rented vehicle parked in violation of law when ~~said~~ the owner can furnish sworn evidence that the vehicle was, at the time of the parking violation, leased or rented, to another ~~person.~~person or company. In ~~such~~ those instances, the owner of the vehicle ~~shall, within a reasonable time after notification of the parking violation,~~shall furnish sworn evidence to the courts ~~the name and address of the person or company who leased or rented the vehicle.~~within 30 days after notification of the violation in accordance with this subsection.

If the notification is given to the owner of the vehicle within 90 days after the date of the violation, the owner shall include in the sworn evidence the name and address of the person or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to include the name or address of the lessee or renter of the vehicle in the sworn evidence."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 1342 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 4-19-01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lauren Harris	NCFSA
Bill Rowe	NC Justice Center
Tommy Hamilton	Enterprise Rent-a-Car
REITZEL DEATON	NC Office of Commissioner of Banks
Irene Smith	" "
Ken Kinion	American General
Amy Jo Bair	NCMS
[illegible]	NCMS
DAVID BARNES	Poyner Spruill
Mark Carlton	Carlton & Alexander
Reggie Lamm	Citifinancial/Citi Group
[illegible]	Bone & Assoc - Res Lenders
Liz Merritt	Bone & Assoc
Drew Nelson	Rep. Hackney's Office
Mickey Fanney	Rep Baddour
Michelle Frazier	NC Bar Assoc
John McMillan	McFI & P.A.
Rob Schofield	NCJCDC
NAMBI BASTOS	RALEIGH-DURHAM Elect. FAIR
Michael Robison	NC Cons. Council
Vivien Sansour	Rep. Preddy's Intern
Jennifer Sullivan	Nat'l Assoc of Social Workers
Bill Scoggin	KENNEDY COVINGTON
J. Michael Staggs	Nat'l Assoc. of Social Workers - NC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
APRIL 24, 2001
10:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 77 – CERTAIN CITIES AND TOWNS ANNEXATIONS

HB 568 – SCHOOLS MUST PROTECT STUDENT & FAMILY PRIVACY

HB 622 – FIREARM REGULATION AMENDMENTS

HJR 1016 – A JOINT RESOLUTION HONORING THE MEMORY OF GRADY HOWARD UPON THE FIFTIETH ANNIVERSARY OF THE TOWN OF SPRING LAKE

HB 338 – TECHNICAL CORRECTIONS ACT – AB

HB 1116 – DEATH PENALTY MORATORIUM

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

April 24, 2001

The Committee on Rules, Calendar and Operations of the House met on April 24, 2001 at 10:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, Rogers, Setzer, Sherrill, Thompson and Yongue.

The following bills were considered:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 77 – AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY VARIOUS MUNICIPALITIES. The chairman announced that the bill was before the Rules Committee procedurally and asked for a motion that the committee recommend that the House concur with the Senate committee substitute without prejudice. Representative Gibson so moved, and the motion passed.

HOUSE BILL 568 –AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES. The chairman stated that the bill received a favorable report from the Education Committee earlier in the session and was referred to this committee by the Speaker who has now requested that it be referred out of the committee. Representative Setzer moved that it be reported without prejudice. The motion carried.

HOUSE BILL 622 - 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; 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 TO 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. The chairman stated that the bill was not before the committee substantively. It had previously received a favorable report by the Committee on Judiciary III, and was calendared. It was removed from the calendar and referred to the Rules Committee by the Speaker. Representative Luebke stated a concern about the bill being procedural in that it is controversial and was taken up in Judiciary III Committee with no notice to people who are concerned about the implications of it. He stated that the bill was rushed through the judiciary committee with no opportunity for anyone to speak in opposition to it. Following a brief discussion, Representative Thompson made a motion that the bill be reported without prejudice. The motion carried.

HOUSE JOINT RESOLUTION 1016 – A JOINT RESOLUTION HONORING THE MEMORY OF GRADY HOWARD UPON THE FIFTIETH ANNIVERSARY OF THE TOWN OF SPRING LAKE. Representative Lucas, sponsor, was recognized to speak on the resolution. He stated that the joint resolution commemorates Grady Howard, the first mayor of the Town of Spring Lake, and congratulates the town upon its fiftieth anniversary, which is on May 9, 2001. Representative Allen moved that the joint resolution be given a favorable report, which motion passed.

HOUSE BILL 338 – AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. Representative Culpepper asked that Representative Hackney preside, and he, as sponsor of the bill, be recognized to explain the bill. A proposed committee substitute was offered, and Representative Crawford moved for its adoption. The motion carried. Representative Culpepper requested that Bly Hall, a staff attorney for the General Statutes Commission, speak on the bill. She stated that the all of the sections in the proposed committee substitute have been reviewed by the General Statutes Commission which originated this bill. The proposed committee substitute corrects spelling, typographical, grammatical, redlining and other obvious drafting errors, conforms terminology, makes technical conforming changes, updates or corrects statutory references and names, provides for gender neutral terminology, and reorganizes sections of the general statutes to suit the needs of the new computer statutory software data base. In reply to a question by Representative Hackney she stated that there was nothing substantive in the bill. Representative Luebke moved for a favorable report for the proposed committee substitute, unfavorable as to the original bill. The motion carried.

HOUSE BILL 1116 – AN ACT TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY. A proposed committee substitute changing the title to AN ACT TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY AND TO CREATE A LEGISLATIVE STUDY COMMISSION ON THE DEATH PENALTY was offered. The chairman stated that the bill was before the committee procedurally and that the bill would not be considered substantively. Representative Hackney, sponsor, was recognized and briefly explained that the proposed committee substitute adds a commission to study the issue and also adds an appropriation. Representative Boyd-McIntyre made a motion that the bill be reported without prejudice, unfavorable as to the original bill and that the committee substitute be re-referred to the Committee on Judiciary I, and, if favorable, a re-referral to the Committee on Appropriations. The motion carried.

There being no further business, the meeting adjourned at 10:25 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 6

HOUSE BILL 77

Committee Substitute Favorable 3/7/01
Third Edition Engrossed 3/20/01
Senate Finance Committee Substitute Adopted 4/2/01
Fifth Edition Engrossed 4/12/01
Corrected Copy 4/16/01

Short Title: Certain Cities and Towns Annexations. (Local)

Sponsors:

Referred to:

February 8, 2001

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY VARIOUS MUNICIPALITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-58.1(b) reads as rewritten:

"(b) A noncontiguous area proposed for annexation must meet all of the following standards:

(1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.

(2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.

(3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.

(4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.

~~(5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.~~"

SECTION 2. This act applies to the Cities of Marion, Oxford, and Rockingham and the Towns of Calabash, Catawba, Dallas, Godwin, Louisburg, Mocksville, Pembroke, Rutherfordton, and Waynesville only.

SECTION 3. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Senate Committee Substitute for
H.B. 77 A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LMITATION FOR SATELITE ANNEXTIONS BY VARIOUS MUNICIPALITIES

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☒ With recommendation that the House concur, without prejudice

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

HOUSE BILL 568

Short Title:	Schools Must Protect Student & Family Privacy.	(Public)
Sponsors:	Representative Ellis.	
Referred to:	Education.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 29 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"**§ 115C-405. Protection of the rights of students and their families.**

(a) All instructional materials, including teachers' manuals, films, tapes, or other supplementary materials, that will be used in connection with any survey, analysis, or evaluation as part of any program shall be available for inspection by the parents or guardians of the children.

(b) No student shall be required to submit to a survey, analysis, or evaluation that reveals information concerning any of the following without (i) the prior written consent of the student's parent if the student is an unemancipated minor or (ii) the prior consent of the student if the student is an adult or emancipated minor:

(1) Political affiliations;

(2) Mental and psychological problems potentially embarrassing to the student or his family;

(3) Sex behavior and attitudes;

(4) Illegal, antisocial, self-incriminating, and demeaning behavior;

(5) Critical appraisals of other individuals with whom respondents have close family relationships;

(6) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or

(7) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

(c) All surveys, analyses, and evaluations that are subject to the provisions of subsection (b) of this section shall be marked "Anonymous and Confidential" and the local board of education and its employees shall maintain the anonymity and the confidentiality of students' responses. A student's responses to such survey, analysis, or evaluation shall not be retained in that student's school record. No student shall be disciplined or penalized in any way because of the student's responses to such survey, analysis, or evaluation.

(d) Local school administrative units shall give parents and students effective notice of their rights under this section.

(e) The State Board of Education shall adopt rules and policies to implement the provisions of this section.

(f) The State Board of Education shall establish a review panel within the Department of Public Instruction to investigate, process, and review alleged violations of this section. If the review panel determines that there has been a failure to comply with such section, and that compliance with such section cannot be secured by voluntary means, the review panel shall report the matter to the State Board of Education. The State Board shall take such action as it determines appropriate to enforce this section."

SECTION 2. This act is effective when it becomes law and applies to all school years beginning with the 2001-2002 school year.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☐ Committee Substitute for
H.B. 568 A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

H 1

HOUSE BILL 622

Short Title:	Firearm Regulation Amendments.	(Public)
Sponsors:	Representatives Sexton, Warwick, Mitchell, Warner; Allen, Allred, Arnold, Barbee, Barefoot, Barnhart, Bell, Blust, Bonner, Bowie, Brubaker, Buchanan, Cansler, Capps, Carpenter, Clary, Cole, Cox, Crawford, Creech, Culp, Davis, Decker, Dedmon, Dockham, Earle, Eddins, Edwards, Ellis, Esposito, Fox, Gibson, Gillespie, Goodwin, Grady, Gray, Gulley, Haire, Harrington, Hill, Hilton, Howard, Hurley, Jarrell, Johnson, Justus, Kiser, Lucas, McComas, McCombs, McMahan, Miner, Morris, Nesbitt, Nye, Owens, Pope, Preston, Rayfield, Redwine, Russell, Setzer, Sherrill, Shubert, Smith, Starnes, Sutton, Teague, Thompson, Tolson, Tucker, Wainwright, Walend, Walker, Weatherly, West, C. Wilson, G. Wilson, Womble, Wright, and Yongue.	
Referred to:	Judiciary III.	

March 15, 2001

A BILL TO BE ENTITLED

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; 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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-409.40 reads as rewritten:

"**§ 14-409.40. Statewide uniformity of local regulation.**

(a) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, statewide concern, and that the entire field of regulation of firearms is preempted from regulation by local governments except as provided by this section. The General Assembly further declares 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 furthermore, that it is the unlawful use of firearms and ammunition, rather than their lawful design, marketing, manufacture, distribution, sale, or transfer that is the proximate cause of injuries arising from their unlawful use. This subsection applies only to causes of action brought under subsection (g) of this section.

(b) Unless otherwise permitted by statute, no county or municipality, by ordinance, resolution, or other enactment, shall regulate in any manner the possession, ownership, storage, transfer, sale, purchase, licensing, or registration of firearms, firearms ammunition, components of firearms, dealers in firearms, or dealers in handgun components or parts.

(c) Notwithstanding subsection (b) of this section, a county or municipality, by zoning or other ordinance, may regulate or prohibit the sale of firearms at a location only if there is a lawful, general, similar regulation or prohibition of commercial activities at that location. Nothing in this subsection shall restrict the right of a county or municipality to adopt a general zoning plan that prohibits any commercial activity within a fixed distance of a school or other educational institution except with a special use permit issued for a commercial activity found not to pose a danger to the health, safety, or general welfare of persons attending the school or educational institution within the fixed distance.

(d) No county or municipality, by zoning or other ordinance, shall regulate in any manner firearms shows with regulations more stringent than those applying to shows of other types of items.

(e) A county or municipality may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with that local unit of government.

(f) Nothing contained in this section prohibits municipalities or counties from application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas, except nothing in this subsection shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is on these grounds or areas. Nothing contained in this section prohibits municipalities or counties from exercising powers provided by law in declared states of emergency under Article 36A of this Chapter.

(g) The authority to bring suit and the right to recover against any firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association by or on behalf of any governmental unit, created by or pursuant to an act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, injunctive relief, or any other remedy resulting from or relating to

the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public is reserved exclusively to the State. Any action brought by the State pursuant to this section shall be brought by the Attorney General on behalf of the State. This section shall not prohibit a political subdivision or local governmental unit from bringing an action against a firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association for breach of contract or warranty for defect of materials or workmanship as to firearms or ammunition purchased by the political subdivision or local governmental unit."

SECTION 2. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

SECTION 3. This act is effective when it becomes law and applies to any action pending or filed on or after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Opertions of the House.**

☐ Committee Substitute for
H.B. 622 A BILL TO BE ENTITLED 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; 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.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1016

Sponsors:	Representatives Lucas; Goodwin and Morris.
Referred to:	Rules, Calendar, and Operations of the House.

April 9, 2001

A JOINT RESOLUTION HONORING THE MEMORY OF GRADY HOWARD UPON THE FIFTIETH ANNIVERSARY OF THE TOWN OF SPRING LAKE.

Whereas, much of the Town of Spring Lake was first known as "Clayton Cut", because of the deep path that was cut through the hills for the railroad; and

Whereas, the Town was also known as "Prince's Siding" after a sawmill operator; and

Whereas, Spring Lake Pond was formed when the railroad was built across the swamp, damming up the water; and

Whereas, the Town was renamed "Spring Lake" around 1923; and

Whereas, the General Assembly ratified an act to incorporate the Town of Spring Lake on April 9, 1951; and

Whereas, most of the land that makes up the corporate limits of the Town of Spring Lake was once owned by the Murchison family; and

Whereas, the first officers of the Town of Spring Lake were Mayor Grady Howard, Aldermen Howard L. Hall, J. Roscoe Pope, R. G. Creech, W. A. Holland, and John A. Kurtz, and Chief of Police W. E. Easterling; and

Whereas, Grady Howard served as Mayor from 1951 to 1961, 1963 to 1965, and 1969 to 1971; and

Whereas, the Town of Spring Lake has grown and prospered as a result of its proximity to Fort Bragg and its various business and housing developments; and

Whereas, the Town of Spring Lake maintains a high quality of life due to numerous recreational, cultural, and community activities and services; and

Whereas, the citizens of the Town of Spring Lake wish to celebrate the Town's 50th anniversary; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly wishes to honor the memory of Grady Howard, the first Mayor of the Town of Spring Lake, and to extend its sincere congratulations and best wishes to the Town of Spring Lake upon the Town's 50th anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Spring Lake.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 1016 A JOINT RESOLUTION HONORING THE MEMORY OF GRADY HOWARD UPON THE FIFTIETH ANNIVERSARY OF THE TOWN OF SPRING LAKE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 338*

Short Title:	Technical Corrections Act-AB.	(Public)
Sponsors:	Representative Culpepper.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1(a). Effective July 1, 2001, G.S. 23-30.1 reads as rewritten:

"**§ 23-30.1. Provisional release.**

Every person who has filed a petition under the provisions of G.S. 23-30 shall be brought before a judge within 72 hours after filing the petition and shall be provisionally released from imprisonment unless a hearing shall be held and the creditor shall establish that the prisoner has fraudulently concealed assets. If, at the time he is brought before a judge, the prisoner makes a showing of indigency, counsel shall be appointed for the prisoner in accordance with rules adopted by the Office of Indigent Defense Services. A provisional release under this section shall not constitute a discharge of the debtor, and the creditor may oppose the discharge by suggesting fraud even if he has unsuccessfully attempted to oppose the provisional release on the basis of fraudulent concealment. The debtor may be provisionally released even though actual service upon the creditor has not been accomplished if 72 hours has passed since the debtor delivered the notice to the sheriff for service upon the creditor."

SECTION 1(b). G.S. 120-123(57) reads as rewritten:

"No member of the General Assembly may serve on any of the following boards or commissions:

...

(57) The Information Resource Management Commission, as established by ~~G.S. 143B-426.21.~~G.S. 147-33.78."

SECTION 1(c). G.S. 126-5(c1)(17) reads as rewritten:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(17) The executive director of the independent staff of the Information Resources Management Commission established under ~~G.S. 143B-472.41A.~~G.S. 147-33.78."

SECTION 1(d). G.S. 143-52.1 reads as rewritten:

"**§ 143-52.1. Board of Awards.**

(a) There is created the Board of Awards.The Board shall consist of three members at a time, appointed by the Chair of the Commission. Members of the Board shall be appointed on a rotating basis from the membership of the Commission and the Council of State. Two out of three members appointed for each meeting of the Board shall constitute a quorum of the Board.

(b) The Board shall meet weekly as called by the Chair of the Commission, except in weeks when no contracts have been submitted to the Board for review.

(c) When the dollar value of a contract exceeds the benchmark established either pursuant to G.S. 143-53.1 or ~~G.S. 143B-472.63,~~G.S. 147-33.101, the Board shall review and make a recommendation on action to be taken by the Secretary of Administration on contracts to be awarded under Article 3 of Chapter 143 of the General Statutes and on contracts to be awarded by the ~~Secretary of Commerce~~ Chief Information Officer under ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes, prior to the awarding of the contract.

(d) The State Budget Officer shall designate a secretary for the Board. The ~~Secretaries~~ Secretary of Administration and ~~Commerce~~ the State Chief Information Officer shall each submit their matters for consideration to the secretary for inclusion on the Board's agenda. Records shall be kept of each meeting and made public by the ~~applicable~~ Secretary of Administration or ~~Commerce~~ State Chief Information Officer, as applicable unless the ~~applicable~~ Secretary of Administration or State Chief Information Officer, as applicable, determines a specific record of the meeting needs to be confidential due to the nature of the contract. The ~~applicable~~ Secretary of Administration or State Chief Information Officer, as applicable, may elect to proceed with the award of a contract without a recommendation of the Board in cases of emergencies or in the event that a Board is not available. In those cases, contracts awarded without Board review shall be reported to the next meeting of the Board as a matter of record.

(e) Reports on recommendations made by the Board on matters presented by the ~~Secretary of Commerce~~ State Chief Information Officer to the Board shall be reported monthly by the Board to the chairs of the Joint Select Committee on Information Technology."

SECTION 1(e). G.S. 143-56 reads as rewritten:

"**§ 143-56. Certain purchases excepted from provisions of Article.**

Unless as may otherwise be ordered by the Secretary of Administration, the purchase of supplies, materials and equipment through the Secretary of Administration shall be mandatory in the following cases:

(1) Published books, manuscripts, maps, pamphlets and periodicals.

(2) Perishable articles such as fresh vegetables, fresh fish, fresh meat, eggs, and others as may be classified by the Secretary of Administration.

Purchase through the Secretary of Administration shall not be mandatory for information technology purchased in accordance with ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes, for a purchase of supplies, materials or equipment for the General Assembly if the total expenditures is less than the expenditure benchmark established under the provisions of G.S. 143-53.1, for group purchases made by hospitals through a competitive bidding purchasing program, as defined in G.S. 143-129, by the University of North Carolina Health Care System pursuant to G.S. 116-37(h), by the University of North Carolina Hospitals at Chapel Hill pursuant to G.S. 116-37(a)(4), by the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill pursuant to G.S. 116-37(a)(4), or by East Carolina University on behalf of the Medical Faculty Practice Plan pursuant to G.S. 116-40.6(c).

All purchases of the above articles made directly by the departments, institutions and agencies of the State government shall, whenever possible, be based on competitive bids. Whenever an order is placed or contract awarded for such articles by any of the departments, institutions and agencies of the State government, a copy of such order or contract shall be forwarded to the Secretary of Administration and a record of the competitive bids upon which it was based shall be retained for inspection and review."

SECTION 1(f). G.S. 150B-21.1(a4) reads as rewritten:

"(a4) Notwithstanding the provisions of subsection (a) of this section, the ~~Secretary of Commerce~~ State Chief Information Officer may adopt temporary rules to implement the information technology procurement provisions of ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes. After having the proposed temporary rule published in the North Carolina Register and at least 30 days prior to adopting a temporary rule pursuant to this subsection, the ~~Secretary~~ Officer shall:

(1) Notify persons on its mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule;

(2) Accept oral and written comments on the proposed temporary rule; and

(3) Hold at least one public hearing on the proposed temporary rule.

When the ~~Secretary~~ Officer adopts a temporary rule pursuant to this subsection, the ~~Secretary~~ Officer must submit a reference to this subsection as the ~~Secretary's~~Officer's statement of need to the Codifier of Rules.

Notwithstanding any other provision of this Chapter, the Codifer of Rules shall publish in the North Carolina Register a proposed temporary rule received from the ~~Secretary~~ Officer in accordance with this subsection."

SECTION 1(g). G.S. 150B-38(a) reads as rewritten:

"(a) The provisions of this Article shall ~~apply to the following agencies:~~apply:

(1) Occupational licensing agencies;

(2) The State Banking Commission, the Commissioner of Banks, the Savings Institutions Division of the Department of Commerce, and the Credit Union Division of the Department of Commerce; and

(3) The Department of Insurance and the Commissioner of Insurance.

(4) The ~~Department of Commerce~~ State Chief Information Officer in the administration of the provisions of ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 338*
PROPOSED COMMITTEE SUBSTITUTE H338*-PCS5216-LG-7

Short Title: Technical Corrections Act. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Effective July 1, 2001, G.S. 23-30.1 reads as rewritten:

"**§ 23-30.1. Provisional release.**

Every person who has filed a petition under the provisions of G.S. 23-30 shall be brought before a judge within 72 hours after filing the petition and shall be provisionally released from imprisonment unless a hearing shall be held and the creditor shall establish that the prisoner has fraudulently concealed assets. If, at the time he is brought before a judge, the prisoner makes a showing of indigency, counsel shall be appointed for the prisoner in accordance with rules adopted by the Office of Indigent Defense Services. A provisional release under this section shall not constitute a discharge of the debtor, and the creditor may oppose the discharge by suggesting fraud even if he has unsuccessfully attempted to oppose the provisional release on the basis of fraudulent concealment. The debtor may be provisionally released even though actual service upon the creditor has not been accomplished if 72 hours has passed since the debtor delivered the notice to the sheriff for service upon the creditor."

SECTION 2.(a) G.S. 120-123(57) reads as rewritten:

"No member of the General Assembly may serve on any of the following boards or commissions:

...

(57) The Information Resource Management Commission, as established by ~~G.S. 143B-426.21.~~G.S. 147-33.78.

...."

SECTION 2.(b) G.S. 126-5(c1)(17) reads as rewritten:

"(c1) Except as to the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall not apply to:

...

(17) The executive director of the independent staff of the Information Resources Management Commission established under ~~G.S. 143B-472.41A.~~G.S. 147-33.78.

...."

SECTION 2.(c) G.S. 143-52.1 reads as rewritten:

"**§ 143-52.1. Board of Awards.**

(a) There is created the Board of Awards.The Board shall consist of three members at a time, appointed by the Chair of the Commission. Members of the Board shall be appointed on a rotating basis from the membership of the Commission and the Council of State. Two out of three members appointed for each meeting of the Board shall constitute a quorum of the Board.

(b) The Board shall meet weekly as called by the Chair of the Commission, except in weeks when no contracts have been submitted to the Board for review.

(c) When the dollar value of a contract exceeds the benchmark established either pursuant to G.S. 143-53.1 or ~~G.S. 143B-472.63,~~G.S. 147-33.101, the Board shall review and make a recommendation on action to be taken by the Secretary of Administration on contracts to be awarded under Article 3 of Chapter 143 of the General Statutes and on contracts to be awarded by the ~~Secretary of Commerce~~ Chief Information Officer under ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes, prior to the awarding of the contract.

(d) The State Budget Officer shall designate a secretary for the Board. The ~~Secretaries~~ Secretary of Administration and ~~Commerce~~ the State Chief Information Officer shall each submit their matters for consideration to the secretary for inclusion on the Board's agenda. Records shall be kept of each meeting and made public by the ~~applicable~~ Secretary of Administration or ~~Commerce~~ State Chief Information Officer, as applicable unless the ~~applicable~~ Secretary of Administration or State Chief Information Officer, as applicable, determines a specific record of the meeting needs to be confidential due to the nature of the contract. The ~~applicable~~ Secretary of Administration or State Chief Information Officer, as applicable, may elect to proceed with the award of a contract without a recommendation of the Board in cases of emergencies or in the event that a Board is not available. In those cases, contracts awarded without Board review shall be reported to the next meeting of the Board as a matter of record.

(e) Reports on recommendations made by the Board on matters presented by the ~~Secretary of Commerce~~ State Chief Information Officer to the Board shall be reported monthly by the Board to the chairs of the Joint Select Committee on Information Technology."

SECTION 2.(d) G.S. 143-56 reads as rewritten:

"**§ 143-56. Certain purchases excepted from provisions of Article.**

Unless as may otherwise be ordered by the Secretary of Administration, the purchase of supplies, materials and equipment through the Secretary of Administration shall be mandatory in the following cases:

(1) Published books, manuscripts, maps, pamphlets and periodicals.
(2) Perishable articles such as fresh vegetables, fresh fish, fresh meat, eggs, and others as may be classified by the Secretary of Administration.

Purchase through the Secretary of Administration shall not be mandatory for information technology purchased in accordance with ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes, for a purchase of supplies, materials or equipment for the General Assembly if the total expenditures is less than the expenditure benchmark established under the provisions of G.S. 143-53.1, for group purchases made by hospitals through a competitive bidding purchasing program, as defined in G.S. 143-129, by the University of North Carolina Health Care System pursuant to G.S. 116-37(h), by the University of North Carolina Hospitals at Chapel Hill pursuant to G.S. 116-37(a)(4), by the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina at Chapel Hill pursuant to G.S. 116-37(a)(4), or by East Carolina University on behalf of the Medical Faculty Practice Plan pursuant to G.S. 116-40.6(c).

All purchases of the above articles made directly by the departments, institutions and agencies of the State government shall, whenever possible, be based on competitive bids. Whenever an order is placed or contract awarded for such articles by any of the departments, institutions and agencies of the State government, a copy of such order or contract shall be forwarded to the Secretary of Administration and a record of the competitive bids upon which it was based shall be retained for inspection and review."

SECTION 2.(e) G.S. 150B-21.1(a4) reads as rewritten:

"(a4) Notwithstanding the provisions of subsection (a) of this section, the ~~Secretary of Commerce~~ State Chief Information Officer may adopt temporary rules to implement the information technology procurement provisions of ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes. After having the proposed temporary rule published in the North Carolina Register and at least 30 days prior to adopting a temporary rule pursuant to this subsection, the ~~Secretary~~ Officer shall:

(1) Notify persons on its mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule;
(2) Accept oral and written comments on the proposed temporary rule; and
(3) Hold at least one public hearing on the proposed temporary rule.

When the ~~Secretary~~ Officer adopts a temporary rule pursuant to this subsection, the ~~Secretary~~ Officer must submit a reference to this subsection as the ~~Secretary's~~Officer's statement of need to the Codifier of Rules.

Notwithstanding any other provision of this Chapter, the Codifer of Rules shall publish in the North Carolina Register a proposed temporary rule received from the ~~Secretary~~ Officer in accordance with this subsection."

SECTION 2.(f) G.S. 150B-38(a) reads as rewritten:

"(a) The provisions of this Article shall ~~apply to the following agencies:~~apply to:

(1) Occupational licensing agencies;
(2) The State Banking Commission, the Commissioner of Banks, the Savings Institutions Division of the Department of Commerce, and the Credit Union Division of the Department of Commerce; and
(3) The Department of Insurance and the Commissioner of Insurance.
(4) The ~~Department of Commerce~~ State Chief Information Officer in the administration of the provisions of ~~Part 16 of Article 10 of Chapter 143B~~ Article 3D of Chapter 147 of the General Statutes."

SECTION 3.(a) G.S. 24-1.1E(a)(4) and (a)(6) read as rewritten:

"(a) Definitions. – The following definitions apply for the purposes of this section:

...

(4) A "high-cost home loan" means a loan other than an open-end credit plan or a reverse mortgage transaction in which:
a. The principal amount of the loan does not exceed the lesser of (i) the conforming loan size limit for a single-family dwelling as established from time to time by ~~the Federal National Mortgage Association,~~ Fannie Mae, or (ii) three hundred thousand dollars ($300,000);
b. The borrower is a natural person;
c. The debt is incurred by the borrower primarily for personal, family, or household purposes;
d. The loan is secured by either (i) a security interest in a manufactured home (as defined in G.S. 143-147(7)) which is or will be occupied by the borrower as the borrower's principal dwelling, or (ii) a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure or structures designed principally for occupancy of from one to four families which is or will be occupied by the borrower as the borrower's principal dwelling; and
e. The terms of the loan exceed one or more of the thresholds as defined in subdivision (6) of this section.

...

(6) "Thresholds" means:
a. Without regard to whether the loan transaction is or may be a "residential mortgage transaction" (as the term "residential mortgage transaction" is defined in section 226.2(a)(24) of Title 12 of the Code of Federal Regulations, as amended from time to time), the annual percentage rate of the loan at the time the loan is consummated is such that the loan is considered a "mortgage" under section 152 of the Home Ownership and Equity Protection Act of 1994 (Pub. Law 103-25, [15 U.S.C. § 1602(aa)]), as the same may be amended from time to time, and regulations adopted pursuant thereto by the Federal Reserve

Board, including section 226.32 of Title 12 of the Code of Federal Regulations, as the same may be amended from time to time;

b. The total points and fees payable by the borrower at or before the loan closing exceed five percent (5%) of the total loan amount if the total loan amount is twenty thousand dollars ($20,000) or more, or (ii) the lesser of eight percent (8%) of the total loan amount or one thousand dollars ($1,000), if the total loan amount is less than twenty thousand dollars ($20,000); provided, the following discount points and prepayment fees and penalties shall be excluded from the calculation of the total points and fees payable by the borrower:

1. Up to and including two bona fide loan discount points payable by the borrower in connection with the loan transaction, but only if the interest rate from which the loan's interest rate will be discounted does not exceed by more than one percentage point (1%) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either ~~the Federal National Mortgage Association~~ Fannie Mae or the Federal Home Loan Mortgage Corporation, whichever is greater;
2. Up to and including one bona fide loan discount point payable by the borrower in connection with the loan transaction, but only if the interest rate from which the loan's interest rate will be discounted does not exceed by more than two percentage points (2%) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either ~~the Federal National Mortgage Association~~ Fannie Mae or the Federal Home Loan Mortgage Corporation, whichever is greater;
3. Prepayment fees and penalties which may be charged or collected under the terms of the loan documents which do not exceed one percent (1%) of the amount prepaid, provided the loan documents do not permit the lender to charge or collect any prepayment fees or penalties more than 30 months after the loan closing; or".

SECTION 3.(b) G.S. 53-270.1(a)(3) reads as rewritten:

"(a) A lender and a borrower may agree, in writing, that in addition to the principal and any interest accruing on the outstanding balance of a reverse mortgage loan, the lender may receive:

...

(3) The shared appreciation or shared value is paid in conjunction with a loan that:

a. Is outstanding for 24 months or longer; and

b. Either (i) is guaranteed or insured by an agency of the federal government, or (ii) has been originated under a reverse mortgage program approved by ~~the Federal National Mortgage Association,~~ Fannie Mae, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation, provided the loan is sold to one of those agencies or enterprises within 90 days of loan closing, or (iii) has been originated under a reverse mortgage program of a person, firm, or corporation approved as an authorized lender by the Commissioner; and

c. Provides that the borrower receives additional economic benefit in exchange for paying the shared appreciation or shared value, including, but not limited to, larger monthly payments or a larger line of credit. The specific nature of the economic benefit shall be provided to the Commissioner with the other information about the reverse mortgage program required under G.S. 53-264 for dissemination to the reverse mortgage counselors; and

d. At least 14 days prior to closing, the borrower receives a disclosure that explains the additional costs and benefits of shared appreciation or shared value and compares those costs and benefits with a comparable loan without shared appreciation or shared value. These costs and benefits shall also be included in the information required under G.S. 53-264."

SECTION 3.(c) G.S. 54-109.88(3) reads as rewritten:

"(3) Assets which are issued by, fully guaranteed as to principal and interest by, or due from the U.S. government, its agencies, ~~the Federal National Mortgage Association,~~ Fannie Mae, or the Government National Mortgage Association."

SECTION 3.(d) G.S. 54B-187 reads as rewritten:

"**§ 54B-187. ~~Federal National Mortgage Association~~ Fannie Mae obligations.**

A State association may invest in stock or other evidences of indebtedness or obligations of the ~~Federal National Mortgage Association,~~ Fannie Mae, or any successor thereto."

SECTION 3.(e) G.S. 54C-136 reads as rewritten:

"**§ 54C-136. Federal government-sponsored enterprise obligations.**

A savings bank may invest in stock or other evidences of indebtedness or obligations of ~~the Federal National Mortgage Association,~~ Fannie Mae, the Federal Home Loan Mortgage Corporation, or any other federal government sponsored enterprise, or any successor thereto."

SECTION 3.(f) G.S. 58-3-140 reads as rewritten:

"**§ 58-3-140. Temporary contracts of insurance permitted.**

A lender engaged in making or servicing real estate mortgage or deed of trust loans on one to four family residences shall accept as evidence of insurance a temporary written contract of insurance meeting the requirements of G.S. 58-44-20(4) and issued by any duly licensed insurance agent, broker, or insurance company.

Nothing herein prohibits the lender from refusing to accept a binder or from disapproving such insurer or agent provided such refusal or disapproval is reasonable.

Such lender need not accept a binder unless such binder:

(1) Includes:
   a. The name and address of the insured;
   b. The name and address of the mortgagee;
   c. A description of the insured collateral;
   d. A provision that it may not be cancelled within a term of the binder except upon 10 days' written notice to the mortgagee; and
   e. The amount of insurance bound.

(2) Is accompanied by a paid receipt for one year's premium, except in the case of the renewal of a policy subsequent to the closing of a loan; and

(3) Includes an undertaking of agent to use his best efforts to have the insurance company issue a policy.

The Department may require binders to contain any additional information to permit the binders to comply with the reasonable requirements of ~~the Federal National Mortgage Association,~~ Fannie Mae, Government National Mortgage Association, or Federal Home Loan Mortgage Corporation for purchase of mortgage loans."

SECTION 3.(g) G.S. 58-7-173(8) reads as rewritten:

"(8) Bonds, debentures, or other securities of the following agencies, whether or not those obligations are guaranteed by the U.S. Government:
   a. ~~The Federal National Mortgage Association,~~ Fannie Mae, and stock thereof when acquired in connection with the sale of mortgage loans to the Association.
   b. Any federal land bank, when the securities are issued under the Farm Loan Act;
   c. Any federal home loan bank, when the securities are issued under the Home Loan Bank Act;
   d. The Home Owners' Loan Corporation, created by the Home Owners' Loan Act of 1933;
   e. Any federal intermediate credit bank, created by the Agricultural Credits Act;
   f. The Central Bank for Cooperatives and regional banks for cooperatives organized under the Farm Credit Act of 1933, or by any of such banks; and any notes, bonds, debentures, or

other similar obligations, consolidated or otherwise, issued by farm credit institutions under the Farm Credit Act of 1971;

g. Any other similar agency of the U.S. Government that is of similar financial quality."

SECTION 3.(h) G.S. 115C-443(c)(6) reads as rewritten:

"(c) Moneys may be invested in the following classes of securities, and no others:

...

(6) Obligations maturing no later than 18 months after the date of purchase of the Federal Intermediate Credit Banks, the Federal Home Loan Banks, ~~the Federal National Mortgage Association,~~ Fannie Mae, the Banks for Cooperatives, and the Federal Land Banks."

SECTION 3.(i) G.S. 122A-5.6(d) reads as rewritten:

"(d) The loans to mortgage lenders shall be general obligations of the respective mortgage lenders owing them. The Agency shall require that such loans shall be additionally secured as to payment of both principal and interest by a pledge and lien upon collateral security. The collateral security itself shall be in such amount as the Agency determines will assure the payment of the principal of and the interest on the bonds as they become due. Collateral security shall be deemed to be sufficient if the principal of and the interest on the collateral security, when due, will be sufficient to pay the principal of and the interest on the bonds. The collateral security shall consist of any of the following items: (i) direct obligations of, or obligations guaranteed by, the State or the United States of America; (ii) bonds, debentures, notes or other evidences of indebtedness, satisfactory to the Agency, issued by any of the following federal agencies: Bank for Cooperatives, Federal Intermediate Credit Bank, Federal Home Loan Bank System, Export-Import Bank of Washington, Federal Land Banks, ~~the Federal National Mortgage Association~~ Fannie Mae or the Government National Mortgage Association; (iii) direct obligations of or obligations guaranteed by the State; (iv) mortgages insured or guaranteed by the United States of America or an instrumentality of it as to payment of principal and interest; (v) any other mortgages secured by real estate on which there is located a residential structure, the collateral value of which shall be determined by the regulations issued from time to time by the Agency; (vi) obligations of Federal Home Loan Banks; (vii) certificates of deposit of banks or trust companies, including the trustee, organized under the laws of the United States or any state, which have a combined capital and surplus of at least fifteen million dollars ($15,000,000); (viii) Bankers Acceptances; and (ix) commercial paper that has been classified for rating purposes by Dun & Bradstreet, Inc., as Prime-1 or by Standard & Poor's Corp. as A-1."

SECTION 3.(j) G.S. 122A-11(3) and (4) read as rewritten:

"(3) In obligations which are collateralized by mortgage pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association;~~ Fannie Mae;

(4) In a trust certificate or similar instrument evidencing an equity investment in a trust or other similar arrangement which is formed for the purpose of issuing obligations which are collateralized by mortgage pass-through or participation certificates guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation or the ~~Federal National Mortgage Association;~~ Fannie Mae; and".

SECTION 3.(k) G.S. 122D-16(b)(2) reads as rewritten:

"(b) All moneys of the Authority may be invested in the following:

...

(2) Non-convertible debt securities of the following issuers:

a. The Federal Home Loan Bank Board;

b. ~~The Federal National Mortgage Association;~~Fannie Mae;

c. The Federal Farm Credit Bank; and

d. The Student Loan Marketing Association;".

SECTION 3.(l) G.S. 143B-472.8(7) reads as rewritten:

"(7) Obligations of the Federal Intermediate Credit Banks, the Federal Home Loan Banks, ~~the Federal National Mortgage Association,~~ Fannie Mae, the Banks for Cooperatives, and the Federal Land Banks, maturing no later than 18 months after the date of purchase."

SECTION 3.(m) G.S. 147-69.1(c)(2) reads as rewritten:

"(c) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (b) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

...

(2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, ~~the Federal National Mortgage Association,~~ Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service, the Export-Import Bank, the International Bank for Reconstruction and Development, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the Student Loan Marketing Association."

SECTION 3.(n) G.S. 159B-18(b) reads as rewritten:

"(b) Any moneys received pursuant to the authority of this Chapter and any other moneys available to a joint agency for investment may be invested:

(1) As provided in subsection (a) of this section;

(2) As provided in G.S. 159-30, except that:

a. A joint agency may also invest, in addition to the obligations enumerated in G.S. 159-30(c)(2), in bonds, debentures, notes, participation certificates, or other evidences of indebtedness issued, or the principal of and the interest on which are unconditionally guaranteed, whether directly or indirectly, by any agency or instrumentality of, or corporation wholly owned by, the United States of America.

b. For purposes of G.S. 159-30(c)(12), a joint agency may also enter into repurchase agreements with respect to, in addition to the obligations enumerated in G.S. 159-30(c)(12):

1. Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, ~~the Federal National Mortgage Association,~~ Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, and the United States Postal Service;

2. Bonds, debentures, notes, participation certificates, or other evidences of indebtedness issued, or the principal of and the interest on which are unconditionally guaranteed, whether directly or indirectly, by any agency or instrumentality of, or corporation wholly owned by, the United States of America;

3. Mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association;~~ Fannie Mae;

4. Direct or indirect obligations which are collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, ~~or the Federal National Mortgage Association;~~ Fannie Mae; and

5. Direct or indirect obligations, trust certificates, or other similar instruments which are both: (i) guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association;~~ Fannie Mae; (ii) collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities

which are guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association,~~ Fannie Mae; including, but not limited to, Real Estate Mortgage Investment Conduit Certificates; and (iii) for purposes of the second proviso of G.S. 159-30(c)(12)a., the financial institution serving either as trustee or as fiscal agent for a joint agency holding the obligations subject to the repurchase agreement may also be the provider of the repurchase agreement if the obligations that are subject to the repurchase agreement are held in trust by the trustee or fiscal agent for the benefit of the joint agency;

(3) In mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association;~~Fannie Mae;

(4) In direct or indirect obligations which are collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association;~~ Fannie Mae; and

(5) In direct or indirect obligations, trust certificates, or other similar instruments which are (i) guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association,~~ Fannie Mae, and (ii) collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities which are guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or ~~the Federal National Mortgage Association;~~Fannie Mae, including, but not limited to, Real Estate Mortgage Investment Conduit Certificates."

SECTION 3.(o) G.S. 159-30(c)(2) reads as rewritten:

"(c) Moneys may be invested in the following classes of securities, and no others:

...

(2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, ~~the Federal National Mortgage Association,~~ Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service."

SECTION 4. G.S. 1-17 reads as rewritten:

"§ 1-17. Disabilities.

(a) A person entitled to commence an action who is under a disability at the time the cause of action accrued ~~either~~

~~(1) Within the age of 18 years; or~~

~~(2) Insane; or~~

~~(3) Incompetent as defined in G.S. 35A-1101(7) or (8)~~

may bring his or her action within the time ~~herein limited,~~ limited in this Subchapter, after the disability is removed, except in an action for the recovery of real property, or to make an entry or defense founded on the title to real property, or to rents and services out of the ~~same, when he~~ real property, when the person must commence his or her action, or make ~~his~~ the entry, within three years next after the removal of the disability, and at no time thereafter.

For the purpose of this section, a person is under a disability if the person meets one or more of the following conditions:

(1) The person is within the age of 18 years.

(2) The person is insane.

(3) The person is incompetent as defined in G.S. 35A-1101(7) or (8).

(a1) For those persons under a disability on January 1, 1976, as a result of being imprisoned on a criminal charge, or in execution under sentence for a criminal offense, the statute of limitations shall commence to run and no longer be tolled from January 1, 1976.

(b) Notwithstanding the provisions of subsection (a) of this section, an action on behalf of a minor for malpractice arising out of the performance of or failure to perform professional services shall be commenced within the limitations of time specified in ~~G.S. 1-15(c): Provided, that if said~~ G.S. 1-15(c), except that if those time limitations expire before ~~such~~ the minor attains the full age of 19 years, the action may be brought before ~~said~~ the minor attains the full age of 19 years."

SECTION 5. G.S. 7B-507(b)(4) reads as rewritten:

"(4) A court of competent jurisdiction has determined that: the parent has committed murder or voluntary manslaughter of another child of the parent; has aided, abetted, attempted, conspired, or solicited to commit murder or ~~voluntarily~~ voluntary manslaughter of the child or another child of the parent; or has committed a felony assault resulting in serious bodily injury to the child or another child of the parent."

SECTION 6. G.S. 7B-1501 reads as rewritten:

"§ 7B-1501. Definitions.

In this Subchapter, unless the context clearly requires otherwise, the following words have the listed ~~meanings:~~meanings. The singular includes the plural, unless otherwise specified.

(1) Chief court counselor. – The person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Juvenile Justice and Delinquency Prevention.

(2) Clerk. – Any clerk of superior court, acting clerk, or assistant or deputy clerk.

(3) Community-based program. – A program providing nonresidential or residential treatment to a juvenile under the jurisdiction of the juvenile court in the community where the juvenile's family lives. A community-based program may include specialized foster care, family counseling, shelter care, and other appropriate treatment.

(4) Court. – The district court division of the General Court of Justice.

(5) Court counselor. – A person responsible for probation and post-release supervision to juveniles under the supervision of the chief court counselor.

(6) Custodian. – The person or agency that has been awarded legal custody of a juvenile by a court.

(7) Delinquent juvenile. – Any juvenile who, while less than 16 years of age but at least 6 years of age, commits a crime or infraction under State law or under an ordinance of local government, including violation of the motor vehicle laws.

(7a) Department. – The Department of Juvenile Justice and Delinquency Prevention created under Article 12 of Chapter 143B of the General Statutes.

(8) Detention. – The secure confinement of a juvenile under a court order.

(9) Detention facility. – A facility approved to provide secure confinement and care for juveniles. Detention facilities include both State and locally administered detention homes, centers, and facilities.

(10) District. – Any district court district as established by G.S. 7A-133.

(11) Holdover facility. – A place in a jail which has been approved by the Department of Health and Human Services as meeting the State standards for detention as required in G.S. 153A-221 providing close supervision where the juvenile cannot converse with, see, or be seen by the adult population.

(12) House arrest. – A requirement that the juvenile remain at the juvenile's residence unless the court or the juvenile court counselor authorizes the juvenile to leave for specific purposes.

(13) Intake counselor. – A person who screens and evaluates a complaint alleging that a juvenile is delinquent or undisciplined to determine whether the complaint should be filed as a petition.

(14) Interstate Compact on Juveniles. – An agreement ratified by 50 states and the District of Columbia providing a formal means of returning a juvenile, who is an absconder, escapee, or runaway, to the juvenile's home state, and codified in Article 28 of this Chapter.

(15) Judge. – Any district court judge.

(16) Judicial district. – Any district court district as established by G.S. 7A-133.

(17) Juvenile. – Except as provided in subdivisions (7) and (27) of this section, any person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States. Wherever the term "juvenile" is used with reference to rights and privileges, that term encompasses the attorney for the juvenile as well.

(18) Juvenile court. – Any district court exercising jurisdiction under this Chapter.

(19) Repealed by Session Laws 2000, c. 137, s. 2.

(20) Petitioner. – The individual who initiates court action by the filing of a petition or a motion for review alleging the matter for adjudication.

(21) Post-release supervision. – The supervision of a juvenile who has been returned to the community after having been committed to the Department for placement in a training school.

(22) Probation. – The status of a juvenile who has been adjudicated delinquent, is subject to specified conditions under the supervision of a court counselor, and may be returned to the court for violation of those conditions during the period of probation.

(23) Prosecutor. – The district attorney or assistant district attorney assigned by the district attorney to juvenile proceedings.

(24) Protective supervision. – The status of a juvenile who has been adjudicated undisciplined and is under the supervision of a court counselor.

(25) Teen court program. – A community resource for the diversion of cases in which a juvenile has allegedly committed certain offenses for hearing by a jury of the juvenile's peers, which may assign the juvenile to counseling, restitution, curfews, community service, or other rehabilitative measures.

(26) Training school. – A secure residential facility authorized to provide long-term treatment, education, and rehabilitative services for delinquent juveniles committed by the court to the Department.

(27) Undisciplined juvenile. –

a. A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; or

b. A juvenile who is 16 or 17 years of age and who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours.

(28) Wilderness program. – A rehabilitative residential treatment program in a rural or outdoor setting.

~~The singular includes the plural, unless otherwise specified.~~"

SECTION 7. Effective July 1, 2001, G.S. 7B-1808(b)(2) reads as rewritten:

"(b) At the first appearance, the court shall:

...

(2) Determine whether the juvenile has retained counsel or has been assigned ~~counsel~~ counsel;".

SECTION 8. Effective June 30, 2001, G.S. 17C-3(a)(5) reads as rewritten:

"(5) Citizens and Others. – The President of The University of North Carolina; the Director of the Institute of Government; and two citizens, one of whom shall be selected by the Governor and one of whom shall be selected by the Attorney General. The General Assembly shall appoint two persons, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-122. Appointments by the General Assembly shall ~~serve~~ be for two-year terms to conclude on June 30th in odd-numbered years."

SECTION 9. G.S. 20-16.5(a)(4) reads as rewritten:

"(a) Definitions. – As used in this section the following words and phrases have the following meanings:

...

(4) Revocation Report. – A sworn statement by a charging officer and a chemical analyst containing facts indicating that the conditions of subsection (b) have been met, and whether the person has a pending offense for which ~~their~~ the person's license had been or is revoked under this section. When one chemical analyst analyzes a person's blood and another chemical analyst informs a person of his rights and responsibilities under G.S. 20-16.2, the report must include the statements of both analysts."

SECTION 10. G.S. 20-16.5(g) reads as rewritten:

"(g) Hearing before Magistrate or Judge if Person Contests Validity of Revocation. – A person whose license is revoked under this section may request in writing a hearing to contest the validity of the revocation. The request may be made at the time of the person's initial appearance, or within 10 days of the effective date of the revocation to the clerk or a magistrate designated by the clerk, and may specifically request that the hearing be conducted by a district court judge. The Administrative Office of the Courts must develop a hearing request form for any person requesting a hearing. Unless a district court judge is requested, the hearing must be conducted within the county by a magistrate assigned by the chief district court judge to conduct such hearings. If the person requests that a district court judge hold the hearing, the hearing must be conducted within the district court district as defined in G.S. 7A-133 by a

district court judge assigned to conduct such hearings. The revocation remains in effect pending the hearing, but the hearing must be held within three working days following the request if the hearing is before a magistrate or within five working days if the hearing is before a district court judge. The request for the hearing must specify the grounds upon which the validity of the revocation is challenged and the hearing must be limited to the grounds specified in the request. A witness may submit his evidence by affidavit unless he is subpoenaed to appear. Any person who appears and testifies is subject to questioning by the judicial official conducting the hearing, and the judicial official may adjourn the hearing to seek additional evidence if he is not satisfied with the accuracy or completeness of evidence. The person contesting the validity of the revocation may, but is not required to, testify in his own behalf. Unless contested by the person requesting the hearing, the judicial official may accept as true any matter stated in the revocation report. If any relevant condition under subsection (b) is contested, the judicial official must find by the greater weight of the evidence that the condition was met in order to sustain the revocation. At the conclusion of the hearing the judicial official must enter an order sustaining or rescinding the revocation. The judicial official's findings are without prejudice to the person contesting the revocation and to any other potential party as to any other proceedings, civil or criminal, that may involve facts bearing upon the conditions in subsection (b) considered by the judicial official. The decision of the judicial official is final and may not be appealed in the General Court of Justice. If the hearing is not held and completed within three working days of the written request for a hearing before a magistrate or within five working days of the written request for a hearing before a district court judge, the judicial official must enter an order rescinding the revocation, unless the person contesting the revocation contributed to the delay in completing the hearing. If the person requesting the hearing fails to appear at the hearing or any rescheduling thereof after having been properly notified, he forfeits his right to a hearing."

SECTION 11. G.S. 20-28.3(m) reads as rewritten:

"(m) Trial Priority. – District court trials of impaired driving offenses involving forfeitures of motor vehicles pursuant to G.S. 20-28.2 shall be scheduled on the arresting officer's next court date or within 30 days of the offense, whichever comes first.

Once scheduled, the case shall not be continued unless all of the following conditions are met:

(1) A written motion for continuance is filed with notice given to the opposing party prior to the motion being heard.

(2) The judge makes a finding of a "compelling reason" for the continuance.

(3) The motion and finding are attached to the court case record.

Upon a determination of guilt, the issue of vehicle forfeiture shall be heard by the judge immediately, or as soon thereafter as feasible, and the judge shall issue the appropriate orders pursuant to G.S. 20-28.2(d).

Should a defendant appeal the conviction to superior court, any party who has not previously been heard on a petition for pretrial release under ~~subsections~~ subsection (e1) or (e3) of this section or any party whose motor vehicle has not been the subject of a forfeiture hearing held pursuant to G.S. 20-28.2(d) may be heard on a petition for pretrial release pursuant to ~~subsections~~ subsection (e1) or (e3) of this section. The provisions of subsection (e) of this section shall also apply to seized motor vehicles pending trial in superior court. Where a motor vehicle was released pursuant to subsection (e) of this section pending trial in district court, the release of the motor vehicle continues, and the terms and conditions of the original bond remain the same as those required for the initial release of the motor vehicle under subsection (e) of this section, pending the resolution of the underlying offense involving impaired driving in superior court."

SECTION 12. G.S. 20-118(c)(14) reads as rewritten:

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

...

(14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the ~~following conditions:~~conditions below, but all other enforcement provisions of this Article remain applicable:

a. Is hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina State border to a destination in an adjacent state as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.

b. Does not operate on an interstate highway or posted bridge.

c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not apply.

~~d. All other enforcement provisions of this Article remain applicable.~~"

SECTION 13. G.S. 20-294(2) reads as rewritten:

"(2) Willfully and intentionally failing to comply with this Article, Article 15 of this Chapter, or G.S. 20-52.1, 20-75, ~~20-82,~~ 20-108, 20-109, or a rule adopted by the Division under this Article."

SECTION 14. Effective July 1, 2001, G.S. 25-9-705(c) reads as rewritten:

"(c) Pre-effective-date filing in jurisdiction formerly governing perfection. – This act does not render ineffective an effective financing statement that, before July 1, 2001, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in G.S. 25-9-103 of former Article 9. However, except as otherwise provided in subsections (d) and (e) of this section and G.S. 25-9-706, the financing statement ceases to be effective at the earlier of:

(1) The time the financing statement would have ceased to be effective under the law of the jurisdiction in which it is filed; ~~and~~ or

(2) June 30, 2006."

SECTION 15. G.S. 30-3.2 reads as rewritten:

"**§ 30-3.2. Definitions.**

The following definitions apply in this Article:

~~(a)~~(1) "Code" means the Internal Revenue Code in effect at the time of the decedent's death.

~~(b)~~(2) "Death taxes" means any estate, inheritance, succession, and similar taxes imposed by any taxing authority, reduced by any applicable credits against those taxes.

~~(c)~~(3) "Nonadverse trustee" means a trustee who would be deemed nonadverse under section 672 of the Code.

~~(d)~~(4) "Total Net Assets" means, after the payment or provision for payment of the decedent's funeral expenses, year's allowances to persons other than to the surviving spouse, debts, claims, and administration expenses, the sum of the following:

~~(1)~~a. All property to which the decedent had legal and equitable title immediately prior to death;

~~(2)~~b. All property received by the decedent's personal representative by reason of the decedent's death, other than wrongful death proceeds;

~~(3)~~c. One-half of the value of any property held by the decedent and the surviving spouse as tenants by the entirety, or as joint tenants with rights of survivorship;

~~(4)~~d. The entire value of any interest in property held by the decedent and another person, other than the surviving spouse, as joint tenants with right of survivorship, except to the extent that contribution can be proven by clear and convincing evidence;

~~(5)~~e. The value of any property which would be included in the taxable estate of the decedent pursuant to sections 2033, 2035, 2036, 2037, 2038, 2039, or 2040 of the Code.

~~(6)~~f. Any donative transfers of property made by the decedent to donees other than the surviving spouse within six months of the decedent's death, excluding:

~~a.~~1. Any gifts within the annual exclusion provisions of section 2503 of the Code;

~~b.~~2. Any gifts to which the surviving spouse consented. A signing of a deed, or income or gift tax return reporting such gift shall be considered consent; and

~~c.~~3. Any gifts made prior to marriage;

~~(7)~~g. Any proceeds of any individual retirement account, pension or profit-sharing plan, or any private or governmental retirement plan or annuity of which the decedent controlled the designation of beneficiary, excluding any benefits under the federal social security system;

~~(8)~~h. Any other Property Passing to Surviving Spouse under G.S. 30-3.3; and

~~(9)~~i. In case of overlapping application of the same property under more than one provision, the property shall be included only once under the provision yielding the greatest value."

SECTION 16. G.S. 40A-64(c) reads as rewritten:

"(c) If the owner is to be allowed to remove any timber, building or other permanent ~~improvement of fixtures~~improvement, or fixtures from the property, the value thereof shall not be included in the compensation award, but the cost of removal shall be considered as an element to be compensated."

SECTION 17. G.S. 58-5-15 reads as rewritten:

"**§ 58-5-15. Minimum deposit required upon admission.**

Upon admission to do business in the State of North Carolina every foreign or alien fire, marine, or fire and marine, fidelity, surety or casualty company shall deposit with the Commissioner securities in the amounts required under G.S. 58-5-5 and G.S. 58-5-10."

SECTION 18. G.S. 58-31-40(b) reads as rewritten:

"(b) No agency or other person authorized or directed by law to select a plan and erect a building for the use of the State or any State institution shall receive and approve of the plan until it is submitted to and approved by the Commissioner as to the safety of the proposed building from fire, including the property's occupants or contents. No agency or person authorized or directed by law to select a plan or erect a building comprising 10,000 square feet ~~or~~ or more for the use of any county, city, or school district shall receive and approve of the plan until it is submitted to and approved by the Commissioner as to the safety of the proposed building from fire, including the property's occupants or contents."

SECTION 19. The catch line of G.S. 59-31 reads as rewritten:

"**§ 59-31. ~~Name of Article.~~North Carolina Uniform Partnership Act.**"

SECTION 20. G.S. 59-1106 reads as rewritten:

"**§ 59-1106. Fees; expedited filing.**

The Secretary of State shall collect the following fees and remit them to the State Treasurer for the use of the State:

(1) For filing a certificate of limited partnership (G.S. 59-201) $50.00

(2) For filing a certificate of amendment (G.S. 59-202; 59-905) 25.00

(3) For filing a certificate of cancellation (G.S. 59-203; 59-906) 25.00

(4) For filing an application for reservation of name (G.S. 59-104(a)) 10.00

(5) For filing a transfer of name (G.S. 59-104(d)) 10.00

(6) For filing an application for registration as foreign limited partnership ~~(G.S. 59-502)~~(G.S. 59-902) 50.00

(7) For preparing and furnishing a copy of any document, instrument or paper filed or recorded relating to a limited partnership (G.S. 59-206(c))
For each page 1.00
For affixing the certificate and official seal thereto 5.00

(8) For comparing a copy furnished to him of any document, instrument or paper filed or recorded relating to a limited partnership
For each page 1.00

(9) For filing any other document not herein specifically provided for 10.00

(10) For the expedited filing by the end of the same business day of a document received in good order by 12:00 noon Eastern Standard Time ..... 200.00 additional fee

(11) For the expedited filing of a document received in good order within 24 hours after receipt, excluding weekends and holidays ..... 100.00 additional fee

(12) Advisory review of a document ..... 200.00.

The Secretary of State shall not collect the fees allowed in subdivisions (10) and (11) of this section unless the person submitting the document for filing requests an expedited filing and is informed by the Secretary of State of the fees prior to the filing of the document. Upon receipt of a document in proper form and payment of the required filing fee, the Secretary of State shall guarantee the expedited filing of the document."

SECTION 21. G.S. 90-88(d) reads as rewritten:

"(d) If any substance is designated, rescheduled or deleted as a controlled substance under federal law, the Commission shall similarly control or cease control of, the substance under this Article unless the Commission objects to such inclusion. The Commission, at its next regularly scheduled meeting that takes place 30 days after publication in the Federal Register of a final order scheduling a substance, shall

determine either to adopt a rule to similarly control the substance under this Article or to object to such action. No rule-making notice or hearing as specified by Chapter 150B ~~150B~~ of the General Statutes is required if the Commission makes a decision to similarly control a substance. However, if the Commission makes a decision to object to adoption of the federal action, it shall initiate rule-making procedures pursuant to Chapter 150B of the General Statutes within 180 days of its decision to object."

SECTION 22. G.S. 96-35(b) reads as rewritten:

"(b) The Office of State Budget, Planning, and Management shall report ~~to~~ to the Governor and to the General Assembly upon the convening of each biennial session, its evaluation of and recommendations regarding job training, education, and placement programs for which data was provided to the CFS."

SECTION 23. G.S. 105-357(b)(2) reads as rewritten:

"(2) Penalty. – In addition to interest for nonpayment of taxes provided by G.S. 105-360 and in addition to any criminal penalties provided by law for the giving of worthless checks, the penalty for giving in payment of taxes a check that is returned because of insufficient funds or nonexistence of an account of the drawer is ten percent (10%) of the amount of the check, subject to a minimum of one dollar ($1.00) and a maximum of one thousand dollars ($1,000). This penalty does not apply if the tax collector finds that, when the check was presented for payment, the drawer of the check had sufficient funds in an account at a financial institution in this State to pay the check and, by ~~inadvertance,~~ inadvertence, the drawer of the check failed to draw the check on the account that had sufficient funds. This penalty shall be added to and collected in the same manner as the taxes for which the check was given."

SECTION 24. G.S. 113A-241(c) reads as rewritten:

"(c) The Secretary of Environment and Natural Resources shall report to the Governor and the Environmental Review Commission annually beginning on September 1, 2000, on the State's progress towards attaining the goal established in ~~Section 2 of~~ this Article."

SECTION 25. G.S. 116D-4(b) reads as rewritten:

"(b) ~~Participation in providing professional services.~~Participation in Providing Professional Services. – The Department of State Treasurer shall provide contracting opportunities for historically underutilized businesses in providing professional services in connection with the issuance of bonds and notes authorized by this section. As used in this subsection, the term `historically underutilized business' means a business described in G.S. 143-48. The Department of State Treasurer shall strive to increase the amount of legal, financial, and other professional services acquired by it from historically underutilized businesses. With the assistance of the Office for Historically Underutilized Businesses in the Department of Administration, the Department of State Treasurer shall set objectives for contracting with these businesses, identify and eliminate barriers or constraints that may restrict these businesses from contracting with

the Department, and develop a plan for meeting its objectives. The Department of State Treasurer shall report quarterly to the Office for Historically Underutilized Businesses on its progress in carrying out the requirements of this subsection."

SECTION 26. G.S. 116D-11(g) reads as rewritten:

"(g) University Improvement Bonds Fund. – The proceeds of university improvement general obligation bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated 'University Improvement Bonds Fund'. Moneys in the University Improvement Bonds Fund shall be used for the purposes set forth in this Article.

Any additional moneys that may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any university improvements authorized by this Article may be placed by the State Treasurer in the University Improvement Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this ~~act.~~ Article.

The proceeds of university improvement general obligation bonds and notes may be used with any other moneys made available by the General Assembly for the making of university improvements, including the proceeds of any other State bond issues, whether previously made available or which may be made available after the effective date of this Article. The proceeds of university improvement bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this Article for university improvements shall be disbursed for the purposes provided in this Article upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes."

SECTION 27. G.S. 116D-46(g) reads as rewritten:

"(g) Community College Bonds Fund. – The proceeds of community college general obligation bonds and notes, including premium thereon, if any, except the proceeds of bonds the issuance of which has been anticipated by bond anticipation notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer in a special fund to be designated 'Community College Bonds Fund'. Moneys in the Community College Bonds Fund shall be used for the purposes set forth in this Article.

Any additional moneys that may be received by means of a grant or grants from the United States of America or any agency or department thereof or from any other source to aid in financing the cost of any community college capital facilities authorized by this Article may be placed by the State Treasurer in the Community College Bonds Fund or in a separate account or fund and shall be disbursed, to the extent permitted by the terms of the grant or grants, without regard to any limitations imposed by this ~~act.~~ Article.

The proceeds of community college general obligation bonds and notes may be used with any other moneys made available by the General Assembly for the making of grants to community colleges for capital facilities, including the proceeds of any other State bond issues, whether previously made available or which may be made available after the effective date of this Article. The proceeds of community college bonds and notes shall be expended and disbursed under the direction and supervision of the Director of the Budget. The funds provided by this Article for grants to community colleges shall be disbursed for the purposes provided in this Article upon warrants drawn on the State Treasurer by the State Controller, which warrants shall not be drawn until requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General Statutes."

SECTION 28. Effective July 1, 2001, G.S. 122C-269(b) reads as rewritten:

"(b) An official of the facility shall immediately notify the clerk of superior court of the county in which the facility is located of a determination to hold the respondent pending hearing. That clerk shall request transmittal of all documents pertinent to the proceedings from the clerk of superior court where the proceedings were initiated. The requesting clerk shall assume all duties set forth in G.S. 122C-264. The counsel ~~for indigent respondents the counsel~~ provided for in G.S. 122C-268(d) shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services."

SECTION 29. G.S. 131D-2(b)(1) reads as rewritten:

"(b) Licensure; inspections. –

(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.~~ hereunder. 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;

b. There is a reasonable probability that the licensee can remedy the licensure deficiencies within a reasonable length of time; and

c. There is a reasonable probability that the licensee will be able thereafter to remain in compliance with the licensure rules for the foreseeable future.

The Department may extend a provisional license for not more than one additional 90-day period upon finding that the licensee has made substantial progress toward remedying the licensure deficiencies that caused the license to be reduced to provisional status.

The Department may revoke a license whenever:

a. The Department finds that:

1. 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; and

2. It is not reasonably probable that the licensee can remedy the licensure deficiencies within a reasonable length of time; or

b. The Department finds that:

1. 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; and

2. Although the licensee may be able to remedy the deficiencies within a reasonable time, it is not reasonably probable that the licensee will be able to remain in compliance with licensure rules for the foreseeable future; or

c. The Department finds that the licensee has 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, and the failure to comply endangered the health, safety, or welfare of the patients in the facility.

The Department may also issue a provisional license to a facility, pursuant to rules adopted by the Medical Care Commission, for substantial failure to comply with the provisions of this section or rules adopted pursuant to this section. Any facility wishing to contest the issuance of a provisional license shall be entitled to an administrative hearing as provided in the Administrative Procedure Act, Chapter 150B of the General Statutes. A petition for a contested case shall be filed within 30 days after the Department mails written notice of the issuance of the provisional license."

SECTION 30. Effective July 1, 2003, G.S. 143-15.3B(a) reads as rewritten:

"(a) **(Effective July 1, 2003)** The Clean Water Management Trust Fund is established in G.S. 113-145.3. The General Assembly finds that, due to the critical need in this State to clean up pollution in the State's surface waters and to protect and conserve those waters that are not yet polluted, it is imperative that the State provide a minimum of one hundred million dollars ($100,000,000) each calendar year to the Clean Water Management ~~Management~~ Trust Fund; therefore, there is annually appropriated from the General Fund to the Clean Water Management Trust Fund the sum of one hundred million dollars ($100,000,000)."

SECTION 31. G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of 36 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the ~~Board, provided that effective~~ Board. Effective with the terms beginning July 1, 1997, one of ~~those~~ the Governor's appointees shall be a representative of a nonprofit organization involved in economic development and two of ~~those~~ the Governor's appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and ~~[G.S.]~~ G.S. 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

SECTION 32. G.S. 143B-456.1(e) reads as rewritten:

"(e) Notwithstanding any other provision of law, the Authority may agree that all contracts relating to the acquisition, construction, installation and equipping of the special user project shall be solicited, negotiated, awarded and executed by the private party or parties for which the Authority is financing the special user project or their agents subject only to such approvals by the Authority as the Authority may require. The Authority may, out of the proceeds of bonds or notes, make advances to or reimburse such private parties or such agents for all or a portion of the costs incurred in connection with such contracts. The provisions of ~~Section~~ G.S. 143B-463 of this Part shall have no application to funds and moneys derived pursuant to this section."

SECTION 33. G.S. 147-33.85(b) reads as rewritten:

"(b) The Office shall coordinate with the Office of State Budget, Planning, and Management ~~and the Office of State Budget, Planning, and Management~~ to integrate agency strategic and business planning, technology planning and budgeting, and project expenditure processes into the Office's information technology portfolio-based management. The Office shall provide recommendations for agency annual budget requests for information technology investments, projects, and initiatives to the Office of State Budget, Planning, and Management."

SECTION 34. Effective July 1, 2001, G.S. 159D-23 reads as rewritten:

"**§ 159D-23. Application of Article 9 of Chapter 25.**

Article 9 of Chapter 25 of the General Statutes applies to transactions under this Chapter.

~~G.S. Article as if G.S.~~".

SECTION 35. G.S. 160A-37(f1) and (f2) read as rewritten:

"(f1) Property Subject to Present-Use Value Appraisal. – If an area described in an annexation ordinance includes agricultural land, horticultural land, or forestland that meets either of the conditions listed below on the effective date of ~~annexation is:~~ annexation, then the annexation becomes effective as to that property pursuant to subsection (f2) of this section:

(1) The land is being taxed at present-use value pursuant to G.S. ~~105-277.4; or~~ 105-277.4.

(2) The land meets both of the following conditions:

a. ~~Was on~~ On the date of the resolution of intent for annexation it was being used for actual production and is eligible for present-use value taxation under G.S. 105-277.4, but had not been in use for actual production for the required time under G.S. ~~105-277.3; and~~ 105-277.3.

b. The assessor for the county where the land subject to annexation is located has certified to the city that the land meets the requirements of this ~~subdivision~~ subdivision.

~~the annexation becomes effective as to that property pursuant to subsection (f2) of this section.~~

(f2) Effective Date of Annexation for Certain Property. – Annexation of property subject to annexation under subsection (f1) of this section ~~shall become effective:~~ becomes effective as provided in this subsection.

(1) Upon the effective date of the annexation ordinance, the property is considered part of the city only (i) for the purpose of establishing city boundaries for additional annexations pursuant to this Article and (ii) for the exercise of city authority pursuant to Article 19 of this Chapter.

(2) For all other purposes, the annexation becomes effective as to each tract of the property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to G.S. ~~105-227.4~~ 105-277.4 or no longer meets the requirements of subdivision (f1)(2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subdivision, the tract or part of a tract is not subject to taxation by the city under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the city."

SECTION 36. G.S. 160A-300.1(d) reads as rewritten:

"(d) This act applies to the Cities of Charlotte, Fayetteville, Greensboro, ~~High Point, Rocky Mount, Wilmington, Greenville, and Lumberton,~~ Greenville, High Point, Lumberton, Rocky Mount, and Wilmington, and the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, and Pineville only."

SECTION 37.(a) G.S. 93A-2 reads as rewritten:

"**§ 93A-2. Definitions and exceptions.**

(a) A real estate broker within the meaning of this Chapter is any person, partnership, corporation, limited liability company, association, or other business entity who for a compensation or valuable consideration or promise thereof lists or offers to list, sells or offers to sell, buys or offers to buy, auctions or offers to auction (specifically not including a mere crier of sales), or negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, or who sells or offers to sell leases of whatever character, or rents or offers to rent any real estate or the improvement thereon, for others.

(a1) The term broker-in-charge within the meaning of this Chapter ~~shall mean~~ means a real estate broker who has been designated as the broker having responsibility for the supervision of real estate ~~salesperson~~ salespersons engaged in real estate brokerage at a particular real estate office and for other administrative and supervisory duties as the Commission shall prescribe by rule.

(b) The term real estate salesperson within the meaning of this Chapter shall mean and include any person who under the supervision of a real estate broker designated as broker-in-charge of a real estate office, for a compensation or valuable consideration is associated with or engaged by or on behalf of a licensed real estate broker to do, perform or deal in any act, acts or transactions set out or comprehended by the foregoing definition of real estate broker.

(c) The provisions of this Chapter ~~shall~~ do not apply to and ~~shall~~ do not include:

(1) Any person, partnership, corporation, limited liability company, association, or other business entity who, as owner or lessor, shall perform any of the acts aforesaid with reference to property owned or leased by them, where the acts are performed in the regular course of or as incident to the management of that property and the investment therein.

(2) Any person acting as an attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation of performance of any contract for the sale, lease or exchange of real estate.

(3) The acts or services of an attorney-at-law.

(4) Any person, while acting as a receiver, trustee in bankruptcy, guardian, administrator or executor or any person acting under order of any court.

(5) Any person, while acting as a trustee under a trust agreement, deed of trust or will, or ~~his~~ that person's regular salaried employees.

(6) Any salaried person employed by a licensed real estate broker, for and on behalf of the owner of any real estate or the improvements thereon, which the licensed broker has contracted to manage for the owner, if the salaried ~~employee~~ employee's employment is limited ~~in his employment~~ to: exhibiting units on the real estate to prospective tenants; providing the prospective tenants with information about the lease of the units; accepting applications for lease of the units; completing and executing preprinted form leases; and accepting security deposits and rental payments for the units only when the deposits and rental payments are made payable to the owner or the broker employed by the owner. The salaried employee shall not negotiate the amount of security deposits or rental payments and shall not negotiate leases or any rental agreements on behalf of the owner or broker.

(7) Any owner who personally leases or sells ~~his~~ the owner's own property.

(8) Any housing authority organized in accordance with the provisions of Chapter 157 of the General Statutes and any regular salaried employees of the housing authority when performing acts authorized in this Chapter as to any property owned or leased by the housing authority. This exception shall not apply to any person, partnership, corporation, limited liability company, association, or other business entity that contracts with a housing authority to sell or manage property owned or leased by the housing authority."

SECTION 37.(b) G.S. 93A-6 reads as rewritten:

"**§ 93A-6. Disciplinary action by Commission.**

(a) The Commission ~~shall have~~ has power to take disciplinary action. Upon its own initiative, or on the complaint of any person, the Commission may investigate the actions of any person or entity licensed under this Chapter, or any other person or entity who shall assume to act in such capacity. If the Commission finds probable cause that a licensee has violated any of the provisions of this Chapter, the Commission may hold a hearing on the allegations of misconduct.

The Commission ~~shall have~~ has power to suspend or revoke at any time a license issued under the provisions of this Chapter, or to reprimand or censure any licensee, if, following a hearing, the Commission adjudges the licensee to be guilty of:

(1) Making any willful or negligent misrepresentation or any willful or negligent omission of material fact.

(2) Making any false promises of a character likely to influence, persuade, or induce.

(3) Pursuing a course of misrepresentation or making of false promises through agents, salespersons, advertising or otherwise.

(4) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts.

(5) Accepting a commission or valuable consideration as a real estate salesperson for the performance of any of the acts specified in this Article or Article 4 of this Chapter, from any person except his or her broker-in-charge or licensed broker by whom he or she is employed.

(6) Representing or attempting to represent a real estate broker other than the broker by whom he or she is engaged or associated, without the express knowledge and consent of the broker with whom he or she is associated.

(7) Failing, within a reasonable time, to account for or to remit any ~~moneys~~ monies coming into his or her possession which belong to others.

(8) Being unworthy or incompetent to act as a real estate broker or salesperson in a manner as to endanger the interest of the public.

(9) Paying a commission or valuable consideration to any person for acts or services performed in violation of this Chapter.

(10) Any other conduct which constitutes improper, fraudulent or dishonest dealing.

(11) Performing or undertaking to perform any legal service, as set forth in G.S. 84-2.1, or any other acts constituting the practice of law.

(12) Commingling the money or other property of his or her principals with his or her own or failure to maintain and deposit in a trust or escrow account in an insured bank or savings and loan association in North Carolina all money received by him or her as a real estate licensee acting in that capacity, or an escrow agent, or the temporary custodian of the funds of others, in a real estate transaction; provided, these accounts shall not bear interest unless the principals authorize in

writing the deposit be made in an interest bearing account and also provide for the disbursement of the interest accrued.

(13) Failing to deliver, within a reasonable time, a completed copy of any purchase agreement or offer to buy and sell real estate to the buyer and to the seller.

(14) Failing, at the time the transaction is consummated, to deliver to the seller in every real estate transaction, a complete detailed closing statement showing all of the receipts and disbursements handled by him or her for the seller or failing to deliver to the buyer a complete statement showing all money received in the transaction from the buyer and how and for what it was disbursed.

(15) Violating any rule or regulation promulgated by the Commission.

The Executive Director shall transmit a certified copy of all final orders of the Commission suspending or revoking licenses issued under this Chapter to the clerk of superior court of the county in which the licensee maintains his or her principal place of business. The clerk shall enter these orders upon the judgment docket of the county.

(b) Following a hearing, the Commission shall also have power to suspend or revoke any license issued under the provisions of this Chapter or to reprimand or censure any licensee when:

(1) The licensee has obtained a license by false or fraudulent representation;

(2) The licensee has been convicted or has entered a plea of guilty or no contest upon which final judgment is entered by a court of competent jurisdiction in this State, or any other state, of the criminal offenses of: embezzlement, obtaining money under false pretense, fraud, forgery, conspiracy to defraud, or any other offense involving moral turpitude which would reasonably affect the licensee's performance in the real estate business;

(3) The licensee has violated any of the provisions of G.S. 93A-6(a) when selling, leasing, or buying ~~his~~ the licensee's own property;

(4) The broker's unlicensed employee, who is exempt from the provisions of this Chapter under G.S. 93A-2(c)(6), has committed, in the regular course of business, any act which, if committed by the broker, would constitute a violation of G.S. 93A-6(a) for which the broker could be disciplined; or

(5) The licensee, who is also a State-licensed or State-certified real estate appraiser pursuant to Chapter 93E of the General Statutes, has violated any provisions of Chapter 93E of the General Statutes and has been reprimanded or has had ~~his~~ an appraiser license or certificate suspended or revoked by the Appraisal Board.

(c) The Commission may appear in its own name in superior court in actions for injunctive relief to prevent any person from violating the provisions of this Chapter or rules promulgated by the Commission. The superior court shall have the power to grant

these injunctions even if criminal prosecution has been or may be instituted as a result of the violations, or whether the person is a licensee of the Commission.

(d) Each broker shall maintain complete records showing the deposit, maintenance, and withdrawal of money or other property owned by ~~his~~ the broker's principals or held in escrow or in trust for ~~his~~ the broker's principals. The Commission may inspect these records periodically, without prior notice and may also inspect these records whenever the Commission determines that they are pertinent to an investigation of any specific complaint against a licensee.

(e) When a person or entity licensed under this Chapter is accused of any act, omission, or misconduct which would subject the licensee to disciplinary action, the licensee, with the consent and approval of the Commission, may surrender ~~his or its~~ the license and all the rights and privileges pertaining to it for a period of time established by the Commission. A person or entity who surrenders ~~his or its~~ a license shall not thereafter be eligible for or submit any application for licensure as a real estate broker or salesperson during the period of license surrender."

SECTION 37.(c) G.S. 93A-16 reads as rewritten:

"**§ 93A-16. Real Estate Recovery Fund created; payment to fund; management.**

(a) There is hereby created a special fund to be known as the "Real Estate Recovery Fund" which shall be set aside and maintained by the North Carolina Real Estate Commission. ~~Said~~ The fund shall be used in the manner provided under this Article for the payment of unsatisfied judgments where the aggrieved person has suffered a direct monetary loss by reason of certain acts committed by any real estate broker or salesperson licensed under this Chapter.

(b) On September 1, 1979, the Commission shall transfer the sum of one hundred thousand dollars ($100,000) from its expense reserve fund to the Real Estate Recovery Fund. Thereafter, the Commission may transfer to the Real Estate Recovery Fund additional sums of money from whatever funds the Commission may have, provided that, if on December 31 of any year the amount remaining in the fund is less than fifty thousand dollars ($50,000), the Commission may determine that each person or entity licensed under this Chapter, when renewing ~~his or its~~ a license, shall pay in addition to ~~his~~ the license renewal fee, a fee not to exceed ten dollars ($10.00) per broker and five dollars ($5.00) per salesperson as shall be determined by the Commission for the purpose of replenishing the fund.

(c) The Commission shall invest and reinvest the ~~moneys~~ monies in the Real Estate Recovery Fund in the same manner as provided by law for the investment of funds by the clerk of superior court. The proceeds from such investments shall be deposited to the credit of the fund.

(d) The Commission shall have the authority to adopt reasonable rules and procedures not inconsistent with the provisions of this Article, to provide for the orderly, fair and efficient administration and payment of monies held in the Real Estate Recovery Fund."

SECTION 37.(d) G.S. 93A-18 reads as rewritten:

"**§ 93A-18. Hearing; required showing.**

Upon ~~such~~ application by an aggrieved person, the Commission shall conduct a hearing and the aggrieved person shall be required to ~~show:~~show that the aggrieved person:

(1) ~~He is~~ Is not a spouse of the judgment debtor or a person representing ~~such~~ the spouse; ~~and~~

(2) ~~He is~~ Is making application not more than one year after termination of all judicial proceedings, including appeals, in connection with the judgment;

(3) ~~He has~~ Has complied with all requirements of this Article;

(4) ~~He has~~ Has obtained a judgment as described in G.S. 93A-17, stating the amount owing thereon at the date of application;

(5) ~~He has~~ Has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets liable to be sold or applied in satisfaction of the judgment;

(6) ~~That by such search he~~ After searching as described in subdivision (5) of this section, has discovered no real or personal property or other assets liable to be sold or applied, or ~~that he~~ has discovered certain of them, describing them, but ~~that~~ the amount so realized was insufficient to satisfy the judgment, stating the amount realized and the balance remaining due on the judgment after application of the amount realized; ~~and~~

(7) ~~He has~~ Has diligently pursued ~~his remedies including attempted~~ the aggrieved person's remedies, which include attempting execution on the judgment against all the judgment ~~debtors~~ debtors, which execution has been returned unsatisfied. ~~In addition to that, he knows~~ Knows of no assets of the judgment debtor and ~~that he~~ has attempted collection from all other persons who may be liable ~~to him in~~ for the transaction for which ~~he~~ the aggrieved person seeks payment from the Real Estate Recovery Fund if there be any such other persons."

SECTION 37.(e) G.S. 93A-19 reads as rewritten:

"§ 93A-19. Response and defense by Commission and judgment debtor; proof of conversion.

(a) Whenever the Commission proceeds upon an application as set forth in this Article, counsel for the Commission may defend such action on behalf of the fund and shall have recourse to all appropriate means of defense, including the examination of witnesses. The judgment debtor may defend such action on his or her own behalf and shall have recourse to all appropriate means of defense, including the examination of witnesses. Counsel for the Commission and the judgment debtor may file responses to the application, setting forth answers and defenses. Responses shall be filed with the Commission and copies shall be served upon every party by the filing party. If at any time it appears there are no triable issues of fact and the application for payment from the fund is without merit, the Commission shall dismiss the application. A motion to

dismiss may be supported by affidavit of any person or persons having knowledge of the facts and may be made on the basis that the application or the judgment referred to therein do not form a basis for meritorious recovery within the purview of G.S. 93A-17, that the applicant has not complied with the provisions of this Article, or that the liability of the fund with regard to the particular licensee or transaction has been exhausted; provided, however, notice of ~~such~~ the motion shall be given at least 10 days prior to the time fixed for hearing. If the applicant or judgment debtor fails to appear at the hearing after receiving notice of the hearing, the applicant or judgment debtor ~~shall waive his or her rights~~ waives the person's rights unless the absence is excused by the Commission.

(b) Whenever the judgment obtained by an applicant is by default, stipulation, or consent, or whenever the action against the licensee was defended by a trustee in bankruptcy, the applicant, for purposes of this Article, shall have the burden of proving ~~his~~ the cause of action for conversion of trust funds. Otherwise, the judgment shall create a rebuttable presumption of the conversion of trust funds. This presumption is a presumption affecting the burden of producing evidence."

SECTION 37.(f) G.S. 93A-22 reads as rewritten:

"**§ 93A-22. Repayment to fund; automatic suspension of license.**

Should the Commission pay from the Real Estate Recovery Fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed real estate broker or salesperson, the license of the broker or salesperson shall be automatically suspended upon the effective date of the order authorizing payment from the fund. No such broker or salesperson shall be granted a reinstatement until ~~he has~~ the fund has been repaid in full, ~~plus~~ including interest at the legal rate as provided for in ~~G.S. 24-1, the amount paid from the Real Estate Recovery Fund.~~G.S. 24-1."

SECTION 37.(g) G.S. 93A-23 reads as rewritten:

"**§ 93A-23. Subrogation of rights.**

When the Commission has paid from the Real Estate Recovery Fund any sum to the judgment creditor, the Commission shall be subrogated to all of the rights of the judgment creditor to the extent of the amount so paid and the judgment creditor shall assign all ~~his~~ right, title, and interest in the judgment to the extent of the amount so paid to the Commission and any amount and interest so recovered by the Commission on the judgment shall be deposited in the Real Estate Recovery Fund."

SECTION 37.(h) G.S. 93A-25 reads as rewritten:

"**§ 93A-25. Persons ineligible to recover from fund.**

No real estate broker or real estate salesperson who suffers the loss of any commission from any transaction in which he or she was acting in the capacity of a real estate broker or real estate salesperson shall be entitled to make application for payment from the Real Estate Recovery Fund for ~~such~~ the loss."

SECTION 37.(i) G.S. 93A-42 reads as rewritten:

"**§ 93A-42. Time shares deemed real estate.**

(a) A time share is deemed to be an interest in real estate, and shall be governed by the law of this State relating to real estate.

(b) A purchaser of a time share may in accordance with G.S. 47-18 register the time share instrument by which ~~he~~ the purchaser acquired ~~his~~ the interest and upon such registration shall be entitled to the protection provided by Chapter 47 of the General Statutes for the recordation of other real property instruments. A time share instrument transferring or encumbering a time share shall not be rejected for recordation because of the nature or duration of that estate, provided all other requirements necessary to make an instrument recordable are complied with.

(c) The developer shall record or cause to be recorded a time share instrument:

(1) Not less than six days nor more than 45 days following the execution of the contract of sale by the purchaser; or

(2) Not later than 180 days following the execution of the contract of sale by the purchaser, provided that all payments made by the purchaser shall be placed by the developer with an independent escrow agent upon the expiration of the 10-day escrow period provided by G.S. 93A-45(c).

(d) The independent escrow agent provided by G.S. 93A-42(c)(2) shall deposit and maintain the purchaser's payments in an insured trust or escrow account in a bank or savings and loan association located in this State. The trust or escrow account may be interest-bearing and the interest earned shall belong to the developer, if agreed upon in writing by the purchaser; Provided, however, if the time share instrument is not recorded within the time periods specified in this section, then the interest earned shall belong to the purchaser. The independent escrow agent shall return all payments to the purchaser at the expiration of 180 days following the execution of the contract of sale by the purchaser, unless prior to that time the time share instrument has been recorded. However, if prior to the expiration of 180 days following the execution of the contract of sale, the developer and the purchaser provide their written consent to the independent escrow agent, the developer's obligation to record the time share instrument and the escrow period may be extended for an additional period of 120 days. Upon recordation of the time share instrument, the independent escrow agent shall pay the purchaser's funds to the developer. Upon request by the Commission, the independent escrow agent shall promptly make available to the Commission inspection of records of money held by ~~him.~~ the independent escrow agent.

(e) In no event shall the developer be required to record a time share instrument if the purchaser is in default of ~~his~~ the purchaser's obligations.

(f) Recordation under the provisions of this section of the time share instrument shall constitute delivery of that instrument from the developer to the purchaser."

SECTION 37.(j) G.S. 93A-45(d) reads as rewritten:

"(d) If a developer fails to provide a purchaser to whom a time share is transferred with the statement as required by subsection (a), the purchaser, in addition to any rights to damages or other relief, is entitled to receive from the developer an amount equal to ten percent (10%) of the sales price of the time share not to exceed three thousand dollars ($3,000). A receipt signed by the purchaser stating that ~~he~~ the purchaser has

received the statement required by subsection (a) is prima facie evidence of delivery of ~~such~~ the statement."

SECTION 37.(k) G.S. 93A-48 reads as rewritten:

"**§ 93A-48. Exchange programs.**

(a) If a purchaser is offered the opportunity to subscribe to any exchange program, the developer shall, except as provided in subsection (b), deliver to the purchaser, prior to the execution of (i) any contract between the purchaser and the exchange company, and (ii) the sales contract, at least the following information regarding ~~such~~ the exchange program:

(1) The name and address of the exchange company;

(2) The names of all officers, directors, and shareholders owning five percent (5%) or more of the outstanding stock of the exchange company;

(3) Whether the exchange company or any of its officers or directors has any legal or beneficial interest in any developer or managing agent for any time share project participating in the exchange program and, if so, the name and location of the time share project and the nature of the interest;

(4) Unless the exchange company is also the developer a statement that the purchaser's contract with the exchange company is a contract separate and distinct from the sales contract;

(5) Whether the purchaser's participation in the exchange program is dependent upon the continued affiliation of the time share project with the exchange program;

(6) Whether the purchaser's membership or participation, or both, in the exchange program is voluntary or mandatory;

(7) A complete and accurate description of the terms and conditions of the purchaser's contractual relationship with the exchange company and the procedure by which changes thereto may be made;

(8) A complete and accurate description of the procedure to qualify for and effectuate exchanges;

(9) A complete and accurate description of all limitations, restrictions, or priorities employed in the operation of the exchange program, including, but not limited to, limitations on exchanges based on seasonality, unit size, or levels of occupancy, expressed in boldfaced type, and, in the event that such limitations, restrictions, or priorities are not uniformly applied by the exchange program, a clear description of the manner in which they are applied;

(10) Whether exchanges are arranged on a space available basis and whether any guarantees of fulfillment of specific requests for exchanges are made by the exchange program;

(11) Whether and under what circumstances an owner, in dealing with the exchange company, may lose the use and occupancy of ~~his~~ the owner's

time share in any properly applied for exchange without ~~his~~ being provided with substitute accommodations by the exchange company;

(12) The expenses, fees or range of fees for participation by owners in the exchange program, a statement whether any such fees may be altered by the exchange company, and the circumstances under which alterations may be made;

(13) The name and address of the site of each time share project or other property which is participating in the exchange program;

(14) The number of units in each project or other property participating in the exchange program which are available for occupancy and which qualify for participation in the exchange program, expressed within the following numerical groupings, 1-5, 6-10, 11-20, 21-50 and 51, and over;

(15) The number of owners with respect to each time share project or other property which are eligible to participate in the exchange program expressed within the following numerical groupings, 1-100, 101-249, 250-499, 500-999, and 1,000 and over, and a statement of the criteria used to determine those owners who are currently eligible to participate in the exchange program;

(16) The disposition made by the exchange company of time shares deposited with the exchange program by owners eligible to participate in the exchange program and not used by the exchange company in effecting exchanges;

(17) The following information which, except as provided in subsection (b) below, shall be independently audited by a certified public accountant in accordance with the standards of the Accounting Standards Board of the American Institute of Certified Public Accountants and reported for each year no later than July 1, of the succeeding year:

a. The number of owners enrolled in the exchange program and such numbers shall disclose the relationship between the exchange company and owners as being either fee paying or gratuitous in nature;

b. The number of time share projects or other properties eligible to participate in the exchange program categorized by those having a contractual relationship between the developer or the association and the exchange company and those having solely a contractual relationship between the exchange company and owners directly;

c. The percentage of confirmed exchanges, which shall be the number of exchanges confirmed by the exchange company divided by the number of exchanges properly applied for, together with a complete and accurate statement of the criteria

used to determine whether an exchange requested was properly applied for;

d. The number of time shares or other intervals for which the exchange company has an outstanding obligation to provide an exchange to an owner who relinquished a time share or interval during the year in exchange for a time share or interval in any future year; and

e. The number of exchanges confirmed by the exchange company during the year; and

(18) A statement in boldfaced type to the effect that the percentage described in ~~subparagraph (17)c. of subsection (a)~~sub-subdivision c. of subdivision (17) of this subsection is a summary of the exchange requests entered with the exchange company in the period reported and that the percentage does not indicate a purchaser's/owner's probabilities of being confirmed to any specific choice or range of choices, since availablility at individual locations may vary.

The purchaser shall certify in writing to the receipt of the information required by this subsection and any other information which the ~~Commissioners~~ Commission may by rule require.

(b) The information required by subdivisions (a), (2), (3), (13), (14), (15), and (17) shall be accurate as of December 31 of the year preceding the year in which the information is delivered, except for information delivered within the first 180 days of any calendar year which shall be accurate as of December 31 of the year two years preceding the year in which the information is delivered to the purchaser. The remaining information required by subsection (a) shall be accurate as of a date which is no more than 30 days prior to the date on which the information is delivered to the purchaser.

(c) In the event an exchange company offers an exchange program directly to the purchaser or owner, the exchange company shall deliver to each purchaser or owner, concurrently with the offering and prior to the execution of any contract between the purchaser or owner and the exchange company the information set forth in subsection (a) above. The requirements of this paragraph shall not apply to any renewal of a contract between an owner and an exchange company.

(d) All promotional brochures, pamphlets, advertisements, or other materials disseminated by the exchange company to purchasers in this State which contain the percentage of confirmed exchanges described in (a)(17)c. must include the statement set forth in (a)(18)."

SECTION 37.(l) G.S. 93A-54 reads as rewritten:

"**§ 93A-54. Disciplinary action by Commission.**

(a) The Commission ~~shall have~~has power to take disciplinary action. Upon its own motion, or on the verified complaint of any person, the Commission may investigate the actions of any time share salesperson, developer, or project broker of a time share project registered under this Article, or any other person or entity who shall assume to act in such capacity. If the Commission finds probable cause that a time share

salesperson, developer, or project broker has violated any of the provisions of this Article, the Commission may hold a hearing on the allegations of misconduct.

The Commission ~~shall have~~has the power to suspend or revoke at any time a real estate license issued to a time share salesperson or project broker, or a certificate of registration of a time share project issued to a developer; or to reprimand or censure such salesperson, developer, or project broker; or to fine such developer in the amount of five hundred dollars ($500.00) for each violation of this Article, if, after a hearing, the Commission adjudges either the salesperson, developer, or project broker to be guilty of:

(1) Making any willful or negligent misrepresentation or any willful or negligent omission of material fact about any time share or time share project;

(2) Making any false promises of a character likely to influence, persuade, or induce;

(3) Pursuing a course of misrepresentation or making of false promises through agents, salesperson, advertising or otherwise;

(4) Failing, within a reasonable time, to account for all money received from others in a time share transaction, and failing to remit such monies as may be required in G.S. 93A-45 of this Article;

(5) Acting as a time share salesperson or time share developer in a manner as to endanger the interest of the public;

(6) Paying a commission, salary, or other valuable consideration to any person for acts or services performed in violation of this Article;

(7) Any other conduct which constitutes improper, fraudulent, or dishonest dealing;

(8) Performing or undertaking to perform any legal service as set forth in G.S. 84-2.1, or any other acts not specifically set forth in that section;

(9) Failing to deposit and maintain in a trust or escrow account in an insured bank or savings and loan association in North Carolina all money received from others in a time share transaction as may be required in G.S. 93A-45 of this Article or failing to place with an independent escrow agent the funds of a time share purchaser when required by G.S. 93A-42(c);

(10) Failing to deliver to a purchaser a public offering statement containing the information required by G.S. 93A-44 and any other disclosures that the Commission may by regulation require;

(11) Failing to comply with the provisions of Chapter 75 of the General Statutes in the advertising or promotion of time shares for sale, or failing to assure such compliance by persons engaged on behalf of a developer;

(12) Failing to comply with the provisions of G.S. 93A-48 in furnishing complete and accurate information to purchasers concerning any exchange program which may be offered to such purchaser;

(13) Making any false or fraudulent representation on an application for registration;
(14) Violating any rule or regulation promulgated by the Commission;
(15) Failing to record or cause to be recorded a time share instrument as required by G.S. 93A-42(c), or failing to provide a purchaser the protection against liens required by G.S. 93A-57(a); or
(16) Failing as a time share project broker to exercise reasonable and adequate supervision of the conduct of sales at ~~his~~ a project or location by the brokers and salespersons under ~~his~~ the time share project broker's control.

(a1) The clear proceeds of fines collected pursuant to subsection (a) of this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Following a hearing, the Commission shall also have power to suspend or revoke any certificate of registration issued under the provisions of this Article or to reprimand or censure any developer when the registrant has been convicted or has entered a plea of guilty or no contest upon which final judgment is entered by a court of competent jurisdiction in this State, or any other state, of the criminal offenses of: embezzlement, obtaining money under false pretense, fraud, forgery, conspiracy to defraud, or any other offense involving moral turpitude which would reasonably affect the developer's performance in the time share business.

(c) The Commission may appear in its own name in superior court in actions for injunctive relief to prevent any person or entity from violating the provisions of this Article or rules promulgated by the Commission. The superior court shall have the power to grant these injunctions even if criminal prosecution has been or may be instituted as a result of the violations, or regardless of whether the person or entity has been registered by the Commission.

(d) Each developer shall maintain or cause to be maintained complete records of every time share transaction including records pertaining to the deposit, maintenance, and withdrawal of money required to be held in a trust or escrow account, or as otherwise required by the Commission, under G.S. 93A-45 of this Article. The Commission may inspect these records periodically without prior notice and may also inspect these records whenever the Commission determines that they are pertinent to an investigation of any specific complaint against a registrant.

(e) When a licensee is accused of any act, omission, or misconduct under this Article which would subject the licensee to disciplinary action, the licensee may, with the consent and approval of the Commission, surrender ~~his or its~~ the licensee's license and all the rights and privileges pertaining to it for a period of time to be established by the Commission. A licensee who surrenders ~~his or its~~ a license shall not be eligible for, or submit any application for, licensure as a real estate broker or salesperson or registration of a time share project during the period of license surrender. For the purposes of this section, the term licensee shall include a time share developer."

SECTION 37.(m) G.S. 93A-58 reads as rewritten:

"**§ 93A-58. Registrar required; criminal penalties; project broker.**

(a) Every developer of a registered project shall, by affidavit filed with the Commission, designate a natural person to serve as time share registrar for its registered projects. The registrar shall be responsible for the recordation of time share instruments and the release of liens required by G.S. 93A-42(c) and G.S. 93A-57(a). A developer may, from time to time, change the designated time share registrar by proper filing with the Commission and by otherwise complying with this subsection. No sales or offers to sell shall be made until the registrar is designated for a time share project.

The registrar has the duty to ensure that the provisions of this Article are complied with in a time share project for which ~~he~~ the person is registrar. No registrar shall record a time share instrument except as provided by this Article.

(b) A time share registrar ~~shall be~~ is guilty of a Class I felony if he or she knowingly or recklessly fails to record or cause to be recorded a time share instrument as required by this Article.

A person responsible as general partner, corporate officer, joint venturer or sole proprietor of the developer of a time share project ~~shall be~~ is guilty of a Class I felony if ~~he~~ the person intentionally allows the offering for sale or the sale of time share to purchasers without first designating a time share registrar.

(c) The developer shall designate for each project and other locations where time shares are sold or offered for sale a project broker. The project broker shall act as supervising broker for all persons licensed as salespersons at the project or other location and shall directly, personally, and actively supervise all persons licensed as brokers or salespersons at the project or other location in a manner to reasonably ensure that the sale of time shares will be conducted in accordance with the provisions of this Chapter.

SECTION 38. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **Culpepper** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☐ Committee Substitute for
H.B. 338 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report as to committee substitute bill ~~(#), ☐ which changes the title,~~ unfavorable as to ~~(~~original bill~~) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on ,)~~

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 1116

Short Title:	Death Penalty Moratorium.	(Public)
Sponsors:	Representatives Hackney, Luebke, Fitch, Nesbitt; Adams, Alexander, Bell, Bonner, Boyd-McIntyre, Cunningham, Earle, Easterling, Hall, Hensley, Insko, Jeffus, Lucas, McAllister, Michaux, Miller, Morris, Oldham, Saunders, Wainwright, Weiss, Womble, and Wright.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, a moratorium is established with regard to carrying out any death penalty imposed by a court of this State. No person who has been or is sentenced to death by a court of this State shall be executed until the moratorium ends as provided by this act.

SECTION 2. The moratorium on carrying out the death penalty shall end only upon action by the General Assembly addressing the fair and impartial administration of the death penalty in accordance with due process, and limiting, to the degree practicable, the risk that innocent persons may be executed.

SECTION 3. Action by the General Assembly pursuant to Section 2 of this act shall be supported by a study conducted during the period of the moratorium. The study shall include the examination of all the following:

(1) The adequacy of counsel in all stages of capital cases, and the sufficiency of guidelines for the appointment and performance of such counsel.

(2) The process for judicial review of the merits of constitutional claims in State postconviction and federal habeas corpus proceedings.

(3) Any disproportionate racial impact from any aspect of capital case processing.

(4) Whether there is discrimination in capital sentencing on the basis of the victim's or the defendant's race.

(5) Whether mentally retarded persons should be executed.

(6) Prosecutorial misconduct as a factor in the imposition of the death penalty.

(7) The presence of innocent persons on death row.

SECTION 4. The study required by Section 3 of this act shall be conducted as provided for by the General Assembly, and the report of the study shall be made to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, and the Attorney General no later than February 1, 2003.

SECTION 5. This act is effective when it becomes law.

(1) The adequacy of counsel in all stages of capital cases, and the sufficiency of guidelines for the appointment and performance of such counsel.
(2) The process for judicial review of the merits of constitutional claims in State postconviction and federal habeas corpus proceedings.
(3) Any disproportionate racial impact from any aspect of capital case processing.
(4) Whether there is discrimination in capital sentencing on the basis of the victim's or the defendant's race.
(5) Whether mentally retarded persons should be executed.
(6) Prosecutorial misconduct as a factor in the imposition of the death penalty.
(7) The presence of innocent persons on death row.

SECTION 3.(d) Vacancies. – Any vacancy on the Commission shall be filled by the appointing authority.

SECTION 3.(e) Cochairs. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be six members.

SECTION 3.(f) Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 3.(g) Staff. – The Legislative Services Office shall assign professional and clerical staff to the assist the Commission in its work.

SECTION 3.(h) Consultants. – The Commission may hire consultants to examine specific issues and subjects related to the study, in accordance with G.S. 120-32.02.

SECTION 3.(i) Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 3.(j) Meeting Location. – The Commission may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 3.(k) Report. – The Commission shall submit a final report of its findings and recommendations to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, and the Attorney General no later than February 1, 2003. Upon the filing of its final report, the Commission shall terminate.

SECTION 4. There is appropriated from the General Fund to the Legislative Services Commission the sum of fifty thousand dollars ($50,000) for the 2001-2002

fiscal year and the sum of fifty thousand dollars ($50,000) for the 2002-2003 fiscal year to fund the expenses of the Commission.

SECTION 5. Sections 1, 2, and 5 of this act are effective when it becomes law. Sections 3 and 4 of this act become effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1116
PROPOSED COMMITTEE SUBSTITUTE H1116-PCS4154-RW-21

Short Title: Death Penalty Moratorium. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY AND TO CREATE A LEGISLATIVE STUDY COMMISSION ON THE DEATH PENALTY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law, a moratorium is established with regard to carrying out any death penalty imposed by a court of this State. No person who has been or is sentenced to death by a court of this State shall be executed until the moratorium ends as provided by this act.

SECTION 2. The moratorium on carrying out the death penalty shall end only upon action by the General Assembly addressing the fair and impartial administration of the death penalty in accordance with due process, and limiting, to the degree practicable, the risk that innocent persons may be executed. Action by the General Assembly pursuant to this section shall be supported by a study conducted during the period of the moratorium pursuant to Section 3 of this act.

SECTION 3.(a) Commission established. – There is established a Death Penalty Study Commission.

SECTION 3.(b) Membership. – The Commission shall be composed of 12 members as follows:

(1) Four members of the House of Representatives, appointed by the Speaker of the House of Representatives.

(2) Four members of the Senate, appointed by the President Pro Tempore of the Senate.

(3) Two members of the public, appointed by the Speaker of the House of Representatives.

(4) Two members of the public, appointed by the President Pro Tempore of the Senate.

SECTION 3.(c) Duties of the Commission. – The study shall include the examination of all the following:

4-30-01

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **Culpepper** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☐ Committee Substitute for
H.B. 1116 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ ~~With a favorable report as~~ to committee substitute bill (~~#_____~~), ☒ which changes 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 I, if favorable, Refer to 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 4/24/01

Name of Committee — Date

VISITORS: Please sign below and return to Committee Clerk.

NAME	FIRM OR STATE AGENCY AND ADDRESS
R. Paul Wilms	NCHBA
Nat Mad	
Cam Cree	BPMHC
Margaret Westbrook	Kennedy Covington
Leslie Winner	NCSBA
B BR	SBE
Andy Romanet	NCLM
Micah Ellen Cook	Wyrick Robbins
Natalie English	Charlotte Chamber
Emily Epstein	Smith Anderson
Steve Woodson	NCFB
Crissy Porter	Bone & Associates
Elizabeth Davis	Electricities
[illegible]	NCPA
[illegible]	NCMS
Joe [illegible]	NRA

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

HOUSE MEMBERS CONFERENCE ROOM
LEGISLATIVE BUILDING
APRIL 25, 2001
8:05 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 1068 – ADULT CARE HOMES/QUALITY OF CARE

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

April 25, 2001

The Committee on Rules, Calendar and Operations of the House met on April 25 2001 at 8:05 p.m. in the House Members Conference Room in the Legislative Building. The following members were present: Representative Culpepper, Chairman; Allen, Allred, Barefoot, Crawford, Culp, Fitch, Gibson, Gulley, Setzer, Sherrill and Yongue.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR HOUSE BILL 1068 – A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM. The chairman stated that the bill was before the committee procedurally. It had received a favorable report in the Committee on Health and calendared. It was withdrawn from the calendar and re-referred to this committee. He asked for a motion that the committee substitute be reported without prejudice. Representative Fitch so moved, and the motion passed.

There being no further business, the meeting adjourned at 8:10 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 1068

Committee Substitute Favorable 4/23/01

Short Title: Adult Care Homes/Quality of Care. (Public)

Sponsors:

Referred to:

April 10, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The General Assembly recognizes that the imposition of penalties for deficiencies in meeting licensure requirements is not the exclusive method for ensuring quality of care in licensed adult care homes. The Department of Health and Human Services shall explore methods to improve and reward quality of care provided by adult care homes. In conducting this undertaking, the Department shall consider and report specifically its findings and recommendations on all of the following:

(1) Amending current law to allow extension of the licensure period and survey period for adult care homes with a good record of compliance and in the absence of consumer complaints.

(2) Whether to cap allowable indirect costs for adult care homes similar to that imposed on nursing homes, but also allowing a higher capped direct rate of reimbursement in order to provide incentives for higher quality direct care to residents.

(3) Whether a different approach should be adopted for setting reimbursement rates for adult care homes that would replace the current 'State average' method. The purpose of the different approach is to provide incentives to facilities to operate more efficiently and reinvest resources saved from efficiency in higher quality care.

(4) Aspects of the quality assessment/monitoring process that should be changed or modified under State authority.

(5) The Department of Health and Human Services shall offer joint training of Division of Facility Services consultants, county DSS adult home specialists, and adult care home providers. The training shall be

offered not less than two times per year, and subject matter of the training should be based on one or more of the 10 deficiencies cited most frequently in the State during the immediately preceding calendar year. The joint training shall be designed to reduce inconsistencies experienced by providers in the survey process, to increase objectivity by DFS consultants and DSS specialists in conducting surveys, and to promote a higher degree of understanding between facility staff and DFS consultants and DSS specialists in what is expected during the survey process.

SECTION 1.(b) The Department shall report the status of its activities under this section to the North Carolina Study Commission on Aging not later than October 1, 2001. Not later than March 1, 2002, the Department shall submit its final report to the North Carolina Study Commission on Aging and to the Senate Appropriations Committee on Human Resources and the House of Representatives Subcommittee on Health and Human Services. The final report shall include recommended legislation for consideration by the 2002 Regular Session of the 2001 General Assembly.

SECTION 2. The Department of Health and Human Services shall develop a Quality Improvement Consultation Program. The purpose of the program is to assist providers in the development of quality improvement plans for each facility. The Quality Improvement Consultation Program shall be developed in consultation with the Division of Facility Services and representatives of facilities and programs. The Department shall use funds appropriated in its continuation budget for this purpose for the 2001-2002 and 2002-2003 fiscal years. The Department shall report the status of its activities under this section to the North Carolina Study Commission on Aging on October 1, 2001, and March 1, 2002.

SECTION 3. The Department of Health and Human Services shall convene a Quality of Standards Work Group to explore alternatives to existing oversight and survey practices that will ensure quality in adult care homes. The Work Group shall do the following:

(1) Define and provide guidance on terms applicable in the survey and oversight process to ensure uniformity. Terms that should be defined and clarified include the following:

a. Substantial evidence.
b. Imminent danger.
c. Condition detrimental to health and safety.
d. Hindrance of proper performance of duties.
e. Alleged violation.
f. Substantial failure to comply.
g. Serious physical harm.
h. Substantial risk that death or physical harm will occur.
i. Present a direct threat to health and safety.
j. Deficiency.

k. Extent of violation.
l. Probability of death or serious harm.
m Reasonable diligence.

The Department shall ensure that the definition and clarification of terms is included in basic and continuing survey training.

(2) Identify rules that impede the direct care of residents or prohibit resident choice and develop a proposal for repeal of those rules, including any necessary repeal of, or amendment to, current law that is the basis for the rule.

The Work Group shall consist of representatives of the Division of Facility Services, the North Carolina Assisted Living Association, Inc., and the North Carolina Association of Long Term Care Facilities.

SECTION 4. The Department of Health and Human Services shall study the cost to the State of reducing the county share of State/County Special Assistance from fifty percent (50%) to twenty-five percent (25%), phased in over a five-year period. The Department shall report its findings to the North Carolina Study Commission on Aging and the House of Representatives and Senate Appropriations Committees on Health and Human Services not later than October 1, 2001.

SECTION 5. The Department of Health and Human Services shall study alternative ways to reimburse adult care homes for the costs of residents residing in special care units, taking into account the particular needs of those residents. The Department shall report its findings and recommendations not later than March 1, 2002, to the North Carolina Study Commission on Aging and the House of Representatives and Senate Appropriations Committees on Health and Human Services.

SECTION 6. The Department of Health and Human Services shall study and make recommendations on statutory changes that would be necessary in order to delineate the various populations currently regulated as adult care homes according to the particular needs of those populations. The Department shall report its findings and recommendations to the North Carolina Study Commission on Aging not later than March 1, 2002.

SECTION 7. This act becomes effective July 1, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
H.B. 1068 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
APRIL 30, 2001
6:40 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 831 – CONTROLLER/EXTEND APPT. DEADLINE

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

April 30, 2001

The Committee on Rules, Calendar and Operations of the House met in April 30, 2001 at 6:40 p.m. in Room 421, Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Barefoot, Barnhart, Boyd-McIntyre, Culp, Gulley, Hill, Jarrell, Justus, McCombs, Rogers, and Yongue.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR BILL 831 – AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001. The chairman recognized Giles Perry, staff attorney, who explained that the statute provides that the State Controller be appointed every seven years, and the Governor is required to submit a name to the General Assembly for the next Controller by May 1 of the year in which the next Controller is to be appointed. Inasmuch as Mr. Ed Renfrow, the present Controller, is not seeking reappointment and his term expires at the end of June, this bill was requested by the Governor's Office to allow extra time to make the selection. Franklin Freeman, Chief of Staff to the Governor, was also recognized to speak on the bill. He stated that a proposal to abolish the Controller Office and merge it with the State Budget Director is being discussed in the Appropriations Committee. This has had an effect on interested applicants in that they are unsure of the salary or in what department they would be located. He stated the bill contains a one-time delay in submitting the name of a nominee and expires on June 30, 2001. Representative Rogers moved for a favorable report for the bill, and the motion passed.

There being no further business, the meeting adjourned at 7:00 p.m.

Representative Bill Culpepper, Chairman

Anne Cole, Acting Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 831

Rules and Operations of the Senate Committee Substitute Adopted 4/24/01

Short Title: Controller/Extend Appt. Deadline. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143B-426.37(b), the Governor shall have until June 15, 2001, to submit the name of the person to be appointed as State Controller, for confirmation by the General Assembly, to the President of the Senate and the Speaker of the House of Representatives.

SECTION 2. This act is effective when it becomes law and shall expire on June 30, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 831 A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

4-30-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Crissy Porter	Bone & Associates
William Potter	

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
MAY 3, 2001
11:05 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 652 – A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL ANNIVERSARY

HB 285 – RANDOLPH COUNTY LOCAL ACT

SB 137 – PRIVATE CORRECTIONAL OFFICERS

HB 444 – HOUSING FINANCE AGENCY-AB

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR, AND OPERATIONS OF THE HOUSE

May 3, 2001

The Committee on Rules, Calendar and Operations of the House met on May 3, 2001 at 11:05 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Allen, Allred, Barefoot, Barnhart, Buchanan, Crawford, Culp, Hill, Jarrell, McCombs, Rogers, Setzer and Yongue.

The following bills were considered:

HOUSE JOINT RESOLUTION 652 – A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL ANNIVERSARY. Representative Tolson, sponsor, was recognized and gave a brief explanation of the resolution. He stated that the resolution honors the Town of Macclesfield on May 11, 2001 on its one hundredth anniversary. The town was founded in 1900 by Henry Clark Bridges and incorporated in 1901. Mr. Bridges was also the founder of the East Carolina Railroad, Following his remarks, Representative Allen moved that the resolution be given a favorable report, and the motion carried.

HOUSE BILL 285 –A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH. A proposed committee substitute was sent forth and Representative Buchanan moved for its adoption for the purpose of discussion. Without objection, it was so ordered. Representative Culp, bill sponsor, was recognized to explain the proposed committee substitute. The proposed committee substitute appropriates from the General Fund two hundred thousand dollars to The Yadkin-Pee Dee Lakes Project, Inc., as a grant-in-aid in an effort to promote tourism and economic development in the area. Following his explanation, he moved that the proposed committee substitute be reported without prejudice, unfavorable to the original bill and that the proposed committee substitute be re-referred to the Committee on Appropriations. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 137 – AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW. The chairman explained that the bill had passed the Senate and been given a favorable report by the House Committee on Judiciary III. The Speaker re-referred the bill to the Committee on Rules, Calendar and Operations of the House to hold until after crossover week. The chairman then stated that the bill was ready to be moved and Representative Barefoot made a motion that it be reported without prejudice, which motion passed.

HOUSE BILL 444 – AN ACT CONCERNING THE HOUSING FINANCE AGENCY. A proposed committee substitute changing the title to AN ACT TO

APPROPRIATE FUNDS FOR THE NORTH CAROLINA HOUSING TRUST FUND was offered, and Representative Thompson moved that it be adopted for the purpose of discussion. Without objection, it was so ordered. Representative Gibson, bill sponsor, stated that the proposed committee substitute inserts into the blank bill a twenty-five million dollar appropriation from the General Fund to the North Carolina Housing Finance Authority. Representative Thompson made a motion that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and that the committee substitute be re-referred to the Committee on Appropriations.

There being no further business, the meeting adjourned at 11:10 a.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 652

Sponsors: Representatives Tolson, Hall, Warren, and Fitch.

Referred to: Rules, Calendar, and Operations of the House.

March 15, 2001

A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL ANNIVERSARY.

Whereas, the Town of Macclesfield was founded in 1900 by Henry Clark Bridgers, founder of the East Carolina Railroad, and named for Macclesfield, England, Henry Clark Bridgers' ancestral home; and

Whereas, the Town of Macclesfield was incorporated by the General Assembly on May 11, 1901; and

Whereas, the first officers of the Town of Macclesfield were Mayor Henry Clark Bridgers and Commissioners W.L. Foxhall, I.A. Lindsay, and W.W. Windley; and

Whereas, the Town of Macclesfield has always been a farming community and serves as an integral part of our nation's agriculture industry; and

Whereas, the citizens of the Town of Macclesfield have always been in the forefront, when necessary have sent young men and women to serve in time of war, and several have given their lives for our country; and

Whereas, because of the dedication and insight of its leaders and citizens in making wise decisions for the Town, the Town of Macclesfield will continue to be a nice place to live; and

Whereas, the citizens of the Town of Macclesfield wish to celebrate its centennial by honoring those who have made the Town of Macclesfield what it is today; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly wishes to honor the founders of the Town of Macclesfield and extends its sincere congratulations and best wishes to the Town of Macclesfield upon the Town's centennial anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Macclesfield.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 652 A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

HOUSE BILL 285

Short Title:	Randolph County Local Act.	(Local)
Sponsors:	Representative Culp.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 28, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF RANDOLPH.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Randolph County only.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE DRH9162-LR-114 (04/18)

Short Title:	Yadkin/Pee Dee Lakes Project Funds.	(Public)
Sponsors:	Representatives Culp and Gibson.	
Referred to:		

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF THE YADKIN/PEE DEE LAKES PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to The Yadkin/Pee Dee Lakes Project, Inc., the sum of two hundred thousand dollars ($200,000) for the 2001-2002 fiscal year as a grant-in-aid to support The Yadkin/Pee Dee Lakes Project's efforts to promote tourism and economic development in the area.

SECTION 2. This act becomes effective July 1, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Culpepper(Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 285 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF RANDOLPH.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 137

Judiciary II Committee Substitute Adopted 3/6/01
Third Edition Engrossed 3/7/01

Short Title: Private Correctional Officers. (Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons, may in the course of their employment as correctional officers or security supervisors at those facilities use necessary force and make arrests consistent with the laws applicable to the North Carolina Department of Correction, provided that the Department of Correction determines that the employment policies of such private corporations meet the same minimum standards and practices followed by the Department of Correction in employing its correctional personnel, and if:

(1) Those correctional officers and security supervisors have been certified as correctional officers as provided under Chapter 17C of the General Statutes; or

(2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that the Department of Correction has determined meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel. The Department may require that it be notified of the names and positions of such persons prior to such persons' beginning duties at the correctional facility and that the Department be notified when any such person is no longer employed in such duties at the correctional facility.

SECTION 2. Any private corporation described in Section 1 of this act shall without limit defend, indemnify, and hold harmless the State, its officers, employees, and agents from any claims arising out of the operation of the private correctional facility, or the granting of the powers authorized under this act, including any attorneys' fees or other legal costs incurred by the State, its officers, employees, or agents as a result of such claims.

SECTION 3. Any private corporation described in Section 1 of this act must maintain in force liability insurance to satisfy any final judgment rendered against the private corporation or the State, its officers, employees, and agents that arises out of the operation of the correctional facility or the indemnification requirements in Section 2 of this act. The Department of Correction shall determine annually the amount of liability insurance specified in this section based upon the size and security level of the correctional facility and shall determine the requirements for ensuring that the insurance remains in force. The minimum amount of liability insurance that will be required under this section is ten million dollars ($10,000,000) per occurrence.

SECTION 4. The Department of Correction shall adopt rules to implement the provisions of this act.

SECTION 5. The authority set forth in this act to use necessary force and make arrests shall be in addition to any existing authority set forth in the statutory or common law of the State.

SECTION 6. A private corporation described in Section 1 of this act shall bear the costs of services provided by the Department of Correction for the corporation. The amount of the costs shall be determined by the Secretary of the Department.

SECTION 7. This act is effective when it becomes law, applies to private correctional facilities, and the employees of those correctional facilities, constructed and contracted to be operated by the effective date of this act, and expires two years after the effective date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Oerations of the House.**

☒ Committee Substitute for
S.B. 137 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 444

Short Title:	Housing Finance Agency-AB.	(Public)
Sponsors:	Representative Gibson.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT CONCERNING THE HOUSING FINANCE AGENCY.

The General Assembly of North Carolina enacts:

SECTION 1. This act concerns the Housing Finance Agency.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 444
PROPOSED COMMITTEE SUBSTITUTE H444-PCS2251-LB-44

Short Title: NC Housing Trust Fund. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HOUSING TRUST FUND.

SECTION 1. There is appropriated from the General Fund to the North Carolina Housing Finance Authority the sum of twenty-five million dollars ($25,000,000) for the 2001-2002 fiscal year to be deposited in the North Carolina Housing Trust Fund to be used for any of the purposes set forth in Chapter 122E of the General Statutes.

SECTION 2. This act becomes effective July 1, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 444 A BILL TO BE ENTITLED AN ACT CONCERNING THE HOUSING FINANCE AGENCY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

5/3/01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cindy Eller	NC RMA
Stephanie Mann	NCAR
Katherine Davis	Electricities
Criss Porter	Bone and Associates
Lori Jo Harris	LA Harris & Assoc
Brian Francis	Meck Cnty
John Kent	NCFPC
Dale McKeel	Scenic NC
Cam Cove	BPMHL
[illegible]	[illegible]
Billy Goggin	Kennedy Covington
[illegible]	NCCU
Kim Hibbard	NCLM
[illegible]	Freedom
Tim Minton	NC Home Builders Assn
Ed Regan	N.C. Assoc. of Co. Comm.

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
MAY 10, 2001
11:40 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1163 – A JOINT RESOLUTION CONGRATULATING FORT BRAGG, CAMP LEJEUNE, AND SEYMOUR JOHNSON AIR FORCE BASE AS RECIPIENTS OF THE 2001 COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE AND HONORING THE MEMORY OF BRAXTON BRAGG, JOHN A. LEJEUNE, SEYMOUR JOHNSON, AND THE MEN AND WOMEN ASSIGNED TO THESE MILITARY INSTALLATIONS WHO DIED IN THE LINE OF DUTY

HB 130 – BEAUFORT COUNTY LOCAL ACT-4

SB 132 –HEALTH INSURANCE COLORECTAL CANCER SCREENING

SB 243 – RED LIGHT CAMERAS/CERTAIN MUNICIPALITIES

SB 399 – CHARLOTTE CHARTER CLEANUP

SB 434 – AUDITS FOR LOCAL GOVERNMENTS-AB

SB 439 – CHARLOTTE-PARKING ORDINANCE

SB 486 – KERNERSVILLE PRIVATE CALE

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

May 10, 2001

The Committee on Rules, Calendar and Operations of the House met on May 10, 2001 at 11:40 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Allred, Barefoot, Barnhart, Boyd-McIntyre, Crawford, Culp, Gulley, Jarrell, McCombs, Thompson and Yongue.

The following bills were considered:

HOUSE JOINT RESOLUTION 1163 – A JOINT RESOLUTION CONGRATULATING FORT BRAGG, CAMP LEJEUNE, AND SEYMOUR JOHNSON AIR FORCE BASE AS RECIPIENTS OF THE 2001 COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE AND HONORING THE MEMORY OF BRAXTON BRAGG, JOHN A. LEJEUNE, SEYMOUR JOHNSON, AND THE MEN AND WOMEN ASSIGNED TO THESE MILITARY INSTALLATIONS WHO DIED IN THE LINE OF DUTY. Representative Russell, bill sponsor, was recognized and spoke briefly on the resolution. She stated that after making an extensive review of all the bases throughout the entire world, the above bases were awarded this honor. Representative Allred moved for a favorable report, which passed.

HOUSE BILL 130 – AN ACT RELATING TO THE COUNTY OF BEAUFORT. A proposed committee substitute changing the title to AN ACT ALLOWING BEAUFORT COUNTY TO USE THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND FOR PURPOSES ASSOCIATED WITH EMERGENCY RESPONSE was offered, and Representative Thompson moved for its adoption for the purpose of discussion. Without objection, it was so ordered. The chairman explained that the purpose of the proposed committee substitute is to allow Beaufort County to use money from the Emergency Telephone System Fund to be used to pay for costs associated with receiving or processing the emergency response, including the use of law enforcement, fire, medical rescue, or other public safety services. Representative Crawford moved that the proposed committee substitute be reported without prejudice, and that it be re-referred to the Committee on Public Utilities, unfavorable as to the original bill. The motion passed.

The chairman explained that the following Senate bills have passed the Senate, have received favorable reports in various House committees and were sent by the Speaker to the Rules Committee to be held until after the cross-over deadline. He stated that they are now ready to be moved:

COMMITTEE SUBSTITUTE FOR SENATE BILL 132 – AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 243 – AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

SENATE BILL 399 – AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE.

SENATE BILL 434 AUDITS FOR LOCAL GOVERNMENTS-AB

COMMITTEE SUBSTITUTE FOR SENATE BILL 439 – AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

SENATE BILL 486 – AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Representative Barefoot moved that the bills be reported without prejudice, which motion carried.

There being no further business, the meeting adjourned at 11:45 a.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1163

Sponsors:	Representatives Russell, Baddour, Hurley, Grady (Primary Sponsors); Barefoot, Bell, Davis, Goodwin, McAllister, Morris, Nye, Preston, Smith, Tucker, Wainwright, Warner, Warwick, and Yongue.
Referred to:	Rules, Calendar, and Operations of the House.

April 12, 2001

A JOINT RESOLUTION CONGRATULATING FORT BRAGG, CAMP LEJEUNE, AND SEYMOUR JOHNSON AIR FORCE BASE AS RECIPIENTS OF THE 2001 COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE AND HONORING THE MEMORY OF BRAXTON BRAGG, JOHN A. LEJEUNE, SEYMOUR JOHNSON, AND THE MEN AND WOMEN ASSIGNED TO THESE MILITARY INSTALLATIONS WHO DIED IN THE LINE OF DUTY.

Whereas, on March 23, 2001, Secretary of Defense, Donald H. Rumsfeld, announced the winners of the 2001 Commander In Chief's Award for Installation Excellence, which included three installations in North Carolina; and

Whereas, Fort Bragg of Fayetteville, home of the 18th Airborne Corps, the 82nd Airborne Corps, and the Army's Special Forces, won the Army award; and

Whereas, Camp Lejeune of Jacksonville, home of the 2nd Marine Division, captured the Marine Corps award; and

Whereas, Seymour Johnson Air Force Base of Goldsboro, home of the 4th Fighter Wing and the 916th Air Reserve Wing, was honored with the Air Force award; and

Whereas, the Commander In Chief's Award for Installation Excellence recognizes "the outstanding and innovative efforts of the people who operate and maintain United States military installations"; and

Whereas, each installation excelled in working, housing, and recreational conditions; and

Whereas, each installation will receive additional funds to enable better mission performance and to enhance the quality of life for military personnel; and

Whereas, the Commander In Chief's Award for Installation Excellence reflects favorably on the late military leaders for whom these installations are named: General Braxton Bragg, a Confederate commander and Warren County native; Major

General John A. Lejeune, World War I Marine Commandant; and Lt. Seymour Johnson, a Navy test pilot and Goldsboro native; and

Whereas, the award is a fitting testimonial and memorial to the commitment and dedication of the men and women who served at Fort Bragg, Camp Lejeune, and Seymour Johnson and died while in the line of duty; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Braxton Bragg, John A. Lejeune, and Seymour Johnson and the many men and women assigned to Fort Bragg, Camp Lejeune, and Seymour Johnson who gave their lives in the line of duty.

SECTION 2. The General Assembly wishes to congratulate Fort Bragg, Camp Lejeune, and Seymour Johnson Air Force Base on becoming the 2001 recipients of the Commander In Chief's Award for Installation Excellence.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the commander of Fort Bragg, Camp Lejeune, and Seymour Johnson Air Force Base.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 1163 A JOINT RESOLUTION CONGRATULATING FORT BRAGG, CAMP LEJEUNE, AND SEYMOUR JOHNSON AIR FORCE BASE AS RECIPIENTS OF THE 2001 COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE AND HONORING THE MEMORY OF BRAXTON BRAGG, JOHN A. LEJEUNE, SEYMOUR JOHNSON, AND THE MEN AND WOMEN ASSIGNED TO THESE MILITARY INSTALLATIONS WHO DIED IN THE LINE OF DUTY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H 1

HOUSE BILL 130

Short Title:	Beaufort County Local Act-4.	(Local)
Sponsors:	Representative Edwards.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 15, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF BEAUFORT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Beaufort County only.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 130
PROPOSED COMMITTEE SUBSTITUTE H130-PCS7230-LU-19

Short Title: Use of 911 Funds/Beaufort. (Local)

Sponsors:

Referred to:

February 15, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING BEAUFORT COUNTY TO USE THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND FOR PURPOSES ASSOCIATED WITH EMERGENCY RESPONSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62A-8 reads as rewritten:

"**§ 62A-8. Payments from Fund.**

(a) Money from the Emergency Telephone System Fund shall be used ~~only~~ to pay ~~for:~~ for costs associated with receiving or processing the emergency response, including the use of law enforcement, fire, medical, rescue, or other public safety services.

~~(1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software and database provisioning, addressing, and nonrecurring costs of establishing a 911 system, and~~

~~(2) The rates associated with the service supplier's 911 service and other service supplier recurring charges.~~

~~(b) The following expenses are not eligible for payment from the Fund: the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring, training, and compensating dispatchers, and the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles.~~

(c) A local government may contract with a service supplier for any term negotiated by the service supplier and the local government and may make payments from the Emergency Telephone System Fund to provide any payments required by the contract."

SECTION 2. This act applies to Beaufort County only.

SECTION 3. This act is effective when it becomes law and applies to charges billed on or after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 130 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BEAUFORT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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 Public Utilities.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 132

Insurance and Consumer Protection Committee Substitute Adopted 3/14/01

Short Title: Health Insurance/Colorectal Cancer Screening. (Public)

Sponsors:

Referred to:

February 13, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 51 of Chapter 58 of the General Statutes is amended by adding the following new section to read:

"**§ 58-3-179. Coverage for colorectal cancer screening.**

(a) Every health benefit plan, as defined in G.S. 58-3-167, shall provide coverage for colorectal cancer examinations and laboratory tests for cancer, in accordance with the most recently published American Cancer Society guidelines or guidelines adopted by the North Carolina Advisory Committee on Cancer Coordination and Control for colorectal cancer screening, for any nonsymptomatic covered individual who is:

(1) At least 50 years of age, or

(2) Less than 50 years of age and at high risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of the American Cancer Society or guidelines adopted by the North Carolina Advisory Committee on Cancer Coordination and Control.

The same deductibles, coinsurance, and other limitations as apply to similar services covered under the plan apply to coverage for colorectal examinations and laboratory tests required to be covered under this section."

SECTION 2. G.S. 58-50-155 reads as rewritten:

"**§ 58-50-155. Standard and basic health care plan coverages.**

(a) Notwithstanding G.S. 58-50-125(c), the standard health plan developed and approved under G.S. 58-50-125 shall provide coverage for all of the following:

(1) Mammograms and pap smears at least equal to the coverage required by G.S. 58-51-57.

(2) Prostate-specific antigen (PSA) tests or equivalent tests for the presence of prostate cancer at least equal to the coverage required by G.S. 58-51-58.

(3) Reconstructive breast surgery resulting from a mastectomy at least equal to the coverage required by G.S. 58-51-62.

(4) For a qualified individual, scientifically proven bone mass measurement for the diagnosis and evaluation of osteoporosis or low bone mass at least equal to the coverage required by G.S. 58-3-174.

(5) Prescribed contraceptive drugs or devices that prevent pregnancy and that are approved by the United States Food and Drug Administration for use as contraceptives, or outpatient contraceptive services at least equal to the coverage required by G.S. 58-3-178, if the plan covers prescription drugs or devices, or outpatient services, as applicable. The same exceptions and exclusions as are provided under G.S. 58-3-178 apply to standard plans developed and approved under G.S. 58-50-125.

(6) Colorectal cancer examinations and laboratory tests at least equal to the coverage required by G.S. 58-3-179.

(b) Notwithstanding G.S. 58-50-125(c), in developing and approving the plans under G.S. 58-50-125, the Committee and Commissioner shall give due consideration to cost-effective and life-saving health care services and to cost-effective health care providers."

SECTION 3. This act becomes effective January 1, 2002, and applies to all health benefit plans that are delivered, issued for delivery, or renewed on and after that date. For the purposes of this act, renewal of a health benefit plan is presumed to occur on each anniversary of the date on which coverage was first effective on the person or persons covered by the health benefit plan.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 132 A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S Pleyler 6

SENATE BILL 243

State and Local Government Committee Substitute Adopted 3/12/01
Corrected Copy 3/13/01
Fourth Edition Engrossed 3/21/01
House Committee Substitute Reported Without Prejudice 4/2/01
House Committee Substitute #2 Favorable 4/16/01

Short Title: Red Light Cameras/Certain Municipalities. (Local)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

"(d) This ~~act~~ section applies to the Cities of Albemarle, Charlotte, Concord, Durham, Fayetteville, Greensboro, High Point, Rocky Mount, Wilmington, Greenville, and Lumberton, ~~and~~ to the Towns of Cary, Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, and ~~Pineville~~ Pineville, and to all the municipalities of Union County only."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒House Committee Substitute #2 for
S.B. 243 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 399*

Short Title:	Charlotte Charter Cleanup.	(Local)
Sponsors:	Senators Dannelly; Clodfelter, Odom, and Rucho.	
Referred to:	State and Local Government.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 4 of S.L. 2000-26 is amended by adding a new subsection to read:

"Section 4.(d) The following provisions, having served the purposes for which they were enacted, are expressly repealed:

YEAR	CHAPTER
1953	772 (Section 2A only, as to the City of Charlotte only)
1961	303
1963	806
1967	298
1969	830
1973	228 (but this does not affect Chapter 330 of the 1973 Session Laws)
1979	449
1981	364
1983	119
1987	225
1993	229 (Section 1 only)
1995	144."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.B. 399 A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S

SENATE BILL 434*

Rand

Short Title:	Audits for Local Governments-AB.	(Public)
Sponsors:	Senator Rand.	
Referred to:	Finance.	

March 13, 2001

A BILL TO BE ENTITLED

AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-34(c) reads as rewritten:

"(c) Notwithstanding any other provision of law, except for Article 5A of Chapter 147 of the General Statutes pertaining to the State Auditor, all State departments and agencies shall rely upon the single audit accepted by the secretary as the basis for compliance with applicable federal and State regulations. All State departments and agencies which provide funds to local governments and public authorities shall provide the Commission with documents ~~approved by the State Auditor in a~~ that the Commission finds are in the prescribed format describing standards of compliance and suggested audit procedures sufficient to give adequate direction to independent auditors retained by local governments and public authorities to conduct a single audit as required by this section. The secretary shall be responsible for the annual distribution of all such standards of compliance and suggested audit procedures proposed by State departments and agencies and any amendments thereto. Further, the Commission with the cooperation of all affected State departments and agencies shall be responsible for the following:

(1) Procedures for the timely distribution of compliance standards developed by State departments and agencies, reviewed and approved by the ~~State Auditor~~ Commission to auditors retained by local governments and public authorities.

(2) Procedures for the distribution of single audits for local governments and public authorities such that they are available to all State departments and agencies which provide funds to local units.

(3) The acceptance of single audits on behalf of all State departments and agencies; provided that, the secretary may subsequently revoke such acceptance for cause, whereupon affected State departments and agencies shall no longer rely upon such audit as the basis for compliance with applicable federal and State regulations."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 434 A BILL TO BE ENTITLED AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 439

State and Local Government Committee Substitute Adopted 3/22/01

Short Title: Charlotte-Parking Ordinances. (Local)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The General Assembly of North Carolina enacts:

SECTION 1. Article II of Chapter 6 of the Charter of the City of Charlotte, as enacted in S.L. 2000-26 and amended by S.L. 2000-59, is further amended by rewriting Section 6.11 to read:

"Section 6.11. **Parking Regulations and Violations.** (a) The Council may provide by ordinance that each hour a vehicle remains illegally parked in an on-street parking space is a separate offense, and the violator may be given a ticket for each offense.

(b) The Council may provide by ordinance that any vehicle that has been towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and parking penalties owed to the City are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and parking penalties. Payment of the towing fee and all outstanding parking tickets and parking penalties shall not constitute a waiver of a person's right to contest the towing or the outstanding parking tickets and parking penalties.

(c) The Council may provide by ordinance for the use of wheel locks on illegally parked vehicles for which there are three or more outstanding, unpaid, and overdue parking tickets for a period of 90 days. The ordinance shall provide for notice or warning to be affixed to the vehicle, immobilization, towing, impoundment, appeal hearing, an immobilization fee not to exceed fifty dollars ($50.00), and charges for towing and storage. The City shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle.

(d) Notwithstanding the provisions of Chapter 20 of the General Statutes or any other public or private local laws to the contrary, the Council may adopt ordinances:

(1) Prohibiting parking or standing of a vehicle in a space designated with a sign for handicapped persons when the vehicle does not display the

distinguishing registration plate, windshield placard, or disabled veteran registration plate and that prohibit parking or standing of a vehicle so as to obstruct a curb ramp or curb cut, as provided in G.S. 20-37.6(e).

(2) Prohibiting parking or standing of a vehicle in front of or within a specified distance in either direction of a fire hydrant or the driveway entrance to any fire station, or in any area designated as a fire lane.

(3) Prohibiting parking or standing of a vehicle in front of or within a specified distance from a public or private driveway.

(4) Prohibiting parking or standing of a vehicle within a specified distance from an intersection or crosswalk.

(e) Notwithstanding the provisions of G.S. 20-37.6(f) and G.S. 20-176, a violation of any ordinance adopted pursuant to this section shall not be an infraction or a misdemeanor.

(f) Any ordinance adopted pursuant to this section may be enforced by law enforcement officers and any person or persons authorized by ordinance, by the city manager, or by the chief of police, whether or not the vehicle is parked on public or private property."

SECTION 2. Section 6.12 of Article II of the Charter of the City of Charlotte, as enacted in S.L. 2000-26, is repealed.

SECTION 3. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 439 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 486
Horton

Corrected Copy 3/20/01
Corrected Copy 3/21/01

Short Title:	Kernersville Private Sale.	(Local)
Sponsors:	Senators Horton; Bingham and Garrou.	
Referred to:	State and Local Government.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the Town of Kernersville may convey by private negotiation and sale, with or without monetary consideration, any or all of its right, title, and interest in the following described property to the Mount Gur Cemetery Association, Inc., under the terms and conditions that the Town Board of Aldermen deem appropriate:

Tract 1

Being all of that certain 1.102 acre tract of land lying in Kernersville Township, Forsyth County, North Carolina; and bounded by natural boundaries and/or lands owned by and/or in possession of persons, as follows: on the north by Reeves, Inc., on the east by Mount Gur Cemetery Association, Inc., on the south and west by Auto Spring Co., Inc., and on the west by T & A Automotive Enterprise, Inc.; said tract being particularly described by courses (according to the North Carolina Grid System) and distances according to a survey and plats prepared by the Town of Kernersville Public Works Department, dated January 12, 1984, and dated January 27, 1984, and other sources cited herein, as follows:

Commencing at North Carolina Geodetic Station and horizontal control monument "GUR"; said monument having N.C. grid coordinates of North 867,781.850 (feet) and East 1,682,156.642 (feet) as per the North American Datum of 1983; thence the following call taken from recorded plat cited as The Veterans Garden Section 2 as recorded in Plat Book 38 at Page 160 of the Forsyth County Registry; thence North 13

Degrees, 47 Minutes, 11 Seconds West a distance of 91.51 feet to a control corner, found existing iron pipe, the northeasterly corner of T & A Automotive Enterprise, Inc. (see Deed Book 1731 Page 3304 of said Registry; see also tax lot 66D of Tax Block 5412 of Forsyth County Tax Maps), in the southerly line of Reeves, Inc. (see Deed Book 1756 Page 2445 of said Registry; see also The Garden of the Christus as recorded in Plat Book 23 at Page 95 of said Registry; see also tax lot 64E of said tax block 5412), and being the true point of beginning:

Thence with said southerly line South 89 Degrees, 29 Minutes, 20 Seconds East a distance of 156.15 feet to a found existing iron pipe; thence crossing tax lot 65B of said tax block 5412 (see deeds to Mount Gur Cemetery Association, Inc., as follows: Deed Book 49 Page 446, Deed Book 152 Page 45, and Deed Book 273 Page 179, all of said Forsyth County Registry) South 3 Degrees, 44 Minutes, 20 Seconds West a distance of 333.16 feet to a found existing iron pipe, the northeasterly corner of Auto Spring Co., Inc. (see Deed Book 2003 Page 1594 of said Registry; see also tax lot 310 of said tax block 5412); thence with said Auto Spring Co., Inc., the following two (2) calls: (1) thence North 84 Degrees, 31 Minutes, 20 Seconds West a distance of 138.0 feet to a found existing iron pipe; (2) thence North 0 Degrees, 31 Minutes, 40 Seconds East, crossing a found existing iron pipe, the southeasterly corner of said T&A Automotive Enterprise, Inc., at 96.28 feet, and continuing with the westerly line of said T&A Automotive Enterprise, Inc., another 224.40 feet, for a total distance of 320.68 feet to the true point of BEGINNING said control corner and found existing iron pipe.

The above described 1.102 acre tract is generally known and designated as being a westerly portion of tax lot 65B of Forsyth County Tax Maps as presently constituted, and is sometimes referred to as the Pauper's Plot Cemetery.

Tract 2

Being all of that 0.47 acre tract of land lying in Kernersville Township, Forsyth County, North Carolina; and bounded by natural boundaries and/or lands owned by and/or in possession of persons as follows: on the west and north by Mount Gur Cemetery Association, Inc., on the east by Grove Street, and on the south by West Bodenhamer Street; said tract being particularly described by courses (according to a survey and plat prepared by the Town of Kernersville Public Works Department, dated April 23, 1985, to which reference is hereby made, as follows:

Commencing at North Carolina Geodetic Station "Grove 2", said station having North Carolina Grid System coordinates of North 866,695.32 and East 1,682,524.61; thence North 58 deg. 37 min. 41 sec. West a distance of 178.10' to a 1" outside diameter set new iron pipe, flush, at the back of a sidewalk in the northerly margin of West Bodenhamer, being the true point of beginning:

Thence a new line across the lands of Mount Gur Cemetery Association, Inc. (see Deed Book 1023 Page 661 of the Forsyth County Registry) North 06 deg. 22 min. 20 sec. East a distance of 326.83' to a 1" outside diameter set new iron pipe, flush, in the southerly line of other lands of said Mount Gur Cemetery Association (see Deed Book 49 Page 446, Deed Book 152 Page 45. and Deed Book 273 Page 273 Page 179, all of said Registry); thence with said southerly line South 61 deg. 23 min. 30 sec. East a distance of 70.98' to 7/8" outside diameter found existing iron pipe, 9" high, the northwesterly terminus of Grove Street; thence with the westerly line of said Grove Street South 07 deg. 17 min. 31 sec. West a distance of 306.60' to the beginning of a curve concave northwesterly and having a radius of 18', said beginning of curve being the northeasterly corner of that easement from Mount Gur Cemetery Association, Inc., to the Town of Kernersville (see Deed Book 1287 Page 889 of said Registry); thence with the northerly line of said easement the following two (2) calls: (1) thence along said curve through a central angle of 119 deg. 13 min. 56 sec. (the long chord of said curve bears south 67 deg. 00 min. 22 sec. West a distance of 31.06') to a point in a line tangent within the northerly margin of said West Bodenhamer Street; (2) thence generally following said northerly margin of West Bodenhamer Street north 54 deg. 20 min. 29 sec. West a distance of 38.67'; thence a new line crossing the lands of said Mount Gur Cemetery Association, Inc., North 06 deg. 22 min. 20 sec. East a distance of 2.91' to the true point of BEGINNING said 1" outside diameter set new iron pipe, flush, at the back of said sidewalk. Being that property as recorded in the Forsyth County Registry Deed Book 1492, at Page 9.

Tract 3

Lying and being in Kernersville Township, Forsyth County, North Carolina:

Being all of that certain 0.164 acre parcel of land formerly known and designated as Grove Street; said 0.164 acre parcel of land is described by courses (according to the North Carolina Grid System) and distances, as follows:

Commencing at Town of Kernersville horizontal control monument Grove 2, said control monument having N.C. Grid System coordinates of North 866,768,433 (feet) and East 1,682,602,398 (feet) as per the North American Datum of 1983; thence North 67 Degrees, 23 Minutes, 35 Seconds West, 76.00 feet, to a point in the northeasterly margin of, and within the right-of-way of, West Bodenhamer Street, at the cusp of a curve, and being the true point of Beginning:

Thence 18.34 feet along said curve, to the right, of radius 18.00 feet, a chord bearing and distance of North 21 Degrees, 50 Minutes, 00 Seconds West, 17.56 feet, to a point in the westerly line of the Town of Kernersville (see Deed Book 1356 Page 1390 of the Forsyth County Registry); thence with said westerly line North 7 Degrees, 22 Minutes, 10 Seconds East, 341.07 feet, to a 7/8" outside diameter found existing iron pipe, flush, set over a 5/8" outside diameter found existing solid iron, 14: subsurface, corner to Mt.

Gur Cemetery Association, Inc. (see Deed Book 49 Page 446 of said Registry; see Deed Book 152 Page 45 of said Registry; see Deed Book 273 Page 179 of said Registry; see also tax lot 65B of tax block 5412 of Forsyth County Tax Maps as presently constituted); thence with said Mt. Gur Cemetery Association, Inc., South 89 Degrees, 36 Minutes, 45 Seconds West, 20.45 feet, to a 7/8" set new iron pipe, flush, the northeasterly corner of now or formerly the Town of Kernersville (see Deed Book 1492 Page 9 of said Registry); thence with the easterly line of said now or formerly The Town of Kernersville South 7 Degrees, 18 Minutes, 15 Seconds West, 306.71 feet, to a 7/8" outside diameter set new iron pipe, flush, at the beginning of a curve; thence 37.44 feet along said curve, to the right, of radius 18.00 feet, a chord bearing and distance of South 67 Degrees, 00 Minutes, 35 Seconds West, 31.05 feet, to a point in said northeasterly margin of, and within the right-of-way of, said West Bodenhamer Street; thence within said right-of-way South 53 Degrees, 09 Minutes, 35 Seconds East, 63.48 feet, to the true point of Beginning.

Save and except the following described 0.0026 acre parcel of land, described as follows:

Lying and being in Kernersville Township, Forsyth County, North Carolina:

Being all of that certain 0.026 acre parcel of land formerly known and designated as being a southerly portion of Grove Street; said 0.026 acre parcel of land is described by courses (according to the North Carolina Grid System) and distances, as follows:

Commencing at Town of Kernersville horizontal control monument Grove 2, said control monument having N.C. Grid System coordinates of North 866,768,433 (feet) and East 1,682,602,398 (feet) as per the North American Datum of 1983; thence North 67 Degrees, 23 Minutes, 35 Seconds West, 76.00 feet, to a point in the northeasterly margin of, and within the right-of-way of, West Bodenhamer Street, at the cusp of a curve, and being the true point of Beginning:

Thence 18.34 feet along said curve, to the right, of radius 18.00 feet, a chord bearing and distance of North 21 Degrees, 50 Minutes, 00 Seconds West, 17.56 feet, to a point in the westerly line of the Town of Kernersville (see Deed Book 1356 Page 1390 of the Forsyth County Registry); thence with said westerly line North 7 Degrees, 22 Minutes, 10 Seconds East, 50.24 feet; thence a new line crossing said Grove Street South 54 Degrees, 15 Minutes, 00 Seconds West, 27.28 feet, to a 7/8" outside diameter set new iron pipe, flush, in the easterly line of now or formerly the Town of Kernersville (see Deed Book 1495 Page 9 of said Registry) at the beginning of a curve; thence 37.44 feet along said curve, to the right, of a radius 18.00 feet a chord bearing and distance of South 67 Degrees, 00 Minutes, 35 Seconds West, 31.05 feet, to a point in said northeasterly margin of, and within the right-of-way of, said West Bodenhamer Street; thence within said of right-of-way South 53 Degrees, 09 Minutes, 35 Seconds East, 63.48 feet, to the true point of Beginning.

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.B. 486 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

5/10/01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Alice Garland	Electricities
Cam Cree	BPMHC
Margaret W Strook	Kennedy Covington
Andy Romanet	NCLM
Donna Rosfield	DCR

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
MAY 22, 2001
1:30 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HR 1021 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RAILROAD EMPLOYEES WHO DIED WHILE IN THE PERFORMANCE OF THEIR DUTIES

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
OPERATIONS OF THE HOUSE

MAY 22, 2001

The Committee on Rules, Calendar and Operations of the House met on May 22, 2001 at 1:30 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Barefoot, Barnhart, Buchanan, Crawford, Culp, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, McMahan, Rogers, Sherrill and Yongue.

The following bill was considered:

HOUSE RESOLUTION 1021 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RAILROAD EMPLOYEES WHO DIED WHILE IN THE PERFORMANCE OF THEIR DUTIES. Representative Goodwin, sponsor, was recognized to explain the resolution. He stated that the resolution supports the Railroad Retirement and Survivors Improvement Act of 2001 currently before the 107th Congress. Mr. Dickie Westbrook, Legislative Liaison of the United Transportation Union, spoke in favor of the resolution and answered questions of the members. Representative McComas moved for adoption of the resolution, and the motion carried.

There being no further business, the meeting adjourned as 1:50 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 1021

Sponsors:	Representatives Goodwin, Coates, and Buchanan.
Referred to:	Rules, Calendar, and Operations of the House.

April 9, 2001

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RAILROAD EMPLOYEES WHO DIED WHILE IN THE PERFORMANCE OF THEIR DUTIES.

Whereas, the railroad industry has brought about a significant economic impact on the State of North Carolina, providing the means to trade goods and establish industries and improving the standard of living for many of North Carolina's citizens; and

Whereas, the railroads have allowed people in isolated areas with the means to travel, thus connecting rural and urban areas; and

Whereas, the State of North Carolina has benefited from the hard work and dedication of railroad employees; and

Whereas, the House of Representatives wishes to pay tribute to North Carolina's railroad employees, especially those who have lost their lives in the performance of their duties, by expressing its support of the Railroad Retirement and Survivors Improvement Act that is currently before the 107th Congress; and

Whereas, the Railroad Retirement and Survivors Improvement Act of 2000 received bipartisan support from 391 members of the United States House of Representatives in the 106th Congress; and

Whereas, more than 80 United States Senators signed a letter of support for this legislation in 2000; and

Whereas, the current Railroad Retirement and Survivors Improvement Act of 2001, H.R. 1140, restructures the railroad retirement system for its 748,000 beneficiaries nationwide, including over 11,900 in North Carolina; and

Whereas, railroad management, labor, and retiree organizations have agreed to support the current proposed legislation; and

Whereas, the proposed legislation provides tax relief to freight railroads, Amtrak, and commuter lines; and

Whereas, the proposed legislation provides greater benefits for surviving spouses of rail workers who currently suffer deep cuts in their income upon the death of railroad retirees; and

Whereas, no outside contributions from taxpayers are needed to implement the provisions called for in this legislation; and

Whereas, all provisions will be paid for with monies from the railroad industry; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives wishes to honor the memory of all North Carolina's citizens who lost their lives while working with the railroads and supports the Railroad Retirement and Survivors Improvement Act.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to each member of North Carolina's Congressional delegation.

SECTION 3. This resolution is effective upon adoption.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1021 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF RAILROAD EMPLOYEES WHO DIED WHILE IN THE PERFORMANCE OF THEIR DUTIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☒ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

5-22-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	NCASA
[illegible]	UTU
Glenn Lamar	UTU
Matt Brady	CCNC
Mike [illegible]	Durham Academy
Geeta Kapur	ACLU
Jessica Sharpe	ACLU
Robynn Steen	ACLU
John Rustin	NCFPC
Steve Woodson	UCLA
P G	NCFB
C Porter	B&A
Barbara Cunsolo	MFS
Ken Melton	Alley Associates
K.C. Jones	Wabash
Alice Garland	Electricities
Eastherine Davis	"
[illegible]	ACLU

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
MAY 29, 2001
12:05 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 24 – WEST NORMAN INCORPORATION

SB 202 – AMEND FISHERIES LAWS

HB 580 – WILSON COUNTY LOCAL ACT-1

HB 279 – DARE BEACH NOURISHMENT EMINENT DOMAIN

SB 825 – STATE HEALTH PLAN CONTRACT/EXEMPT APA

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

May 29, 2001

The Committee on Rules, Calendar and Operations of the House met on May 29, 2001 at 12:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Barefoot, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McComas, McCombs, McMahan, Michaux, Rogers, Setzer, Sherrill and Yongue.

The following bills were considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 24 – AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM. The bill was referred to the committee by the Speaker. Representative Jarrell stated that the bill met all the requirements of the Municipal Incorporations Commission, of which she is co-chairman, and she is very much in favor of the referendum. Representative Yongue made a motion that the bill be reported without prejudice and that it be re-referred to the Finance Committee. The motion passed.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 202 - AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. The chairman stated that the bill was before the committee procedurally. The bill was given a favorable report by the Environment & Natural Resources Committee but was sent to the Rules Committee by the Speaker to be held until after cross-over. Representative Buchanan made a motion that the bill be reported without prejudice, and the motion carried.

HOUSE BILL 580 - AN ACT RELATING TO THE COUNTY OF WILSON. A proposed committee substitute changing the title to AN ACT TO APPROPRIATE FUNDS TO EXTEND INFRASTRUCTURE TO INDUSTRIAL SITES IN WILSON COUNTY was offered, and Representative Jarrell moved for its adoption. The motion carried. Representative Tolson, bill sponsor, was recognized to explain the bill. He stated that Wilson County is in the running for an industry and needs an appropriation of $3.1 million dollars for infrastructure to help prepare a site for the industry. Representative Rogers made a motion that the committee substitute be reported without prejudice, unfavorable as to the original bill, and that the committee substitute be re-referred to the Committee on Appropriations. The motion carried.

COMMITTEE SUBSTITUTE FOR HOUSE BILL 279. AN ACT TO ALLOW THE COUNTY OF DARE TO EXERCISE THE POWER OF EMINENT DOMAIN TO FACILITATE BEACH NOURISHMENT AND SHORELINE PRESERVATION ACTIVITIES. The chairman asked Representative Yongue to preside so that he could speak as sponsor of the bill. A second committee substitute changing the title to AN ACT TO MODIFY THE DARE COUNTY EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY was offered. Representative Michaux moved that the second committee substitute be adopted, and the motion carried. Representative Culpepper stated that the bill would increase the present 1% land transfer tax to 2% and was requested by the Dare County Commissioners. He asked that the bill be reported without prejudice and that it be re-referred to the Committee on Finance. Representative Rogers so moved, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 825 - AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT ACT. Senator Rand, bill sponsor, was recognized to explain the bill. A bill summary was passed out which stated that the bill would exempt disputes between the Teachers' and State Employees' Comprehensive Major Medical Plan and entities under contract with the Plan from the contested case provisions of the Administrative Procedure Act. Contract disputes between the Plan and any entity contracting with the Plan would be litigated in State Court without first requiring an administrative hearing. The bill would also clarify that a State Agency may seek relief under the State declaratory judgment act. The bill was filed due to Wellpath's (an HMO under the plan) intention to withdraw from the Plan. Senator Rand stated that the bill would take the case out of the APA and go directly to Superior Court. Representative Buchanan made a motion that the committee substitute be given a favorable report. The motion carried.

There being no further business, the meeting adjourned at 12:40 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 24

State and Local Government Committee Substitute Adopted 3/5/01

Short Title: West Norman Incorporation. (Local)

Sponsors:

Referred to:

February 1, 2001

A BILL TO BE ENTITLED

AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. A Charter for the Town of West Norman is enacted to read:

"CHARTER OF THE TOWN OF WEST NORMAN.

"ARTICLE I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Town of West Norman are a body corporate and politic under the name 'Town of West Norman'. The Town of West Norman has all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general laws of North Carolina.

"ARTICLE II.

"CORPORATE BOUNDARIES.

"Section 2.1. **Town Boundaries.** Until modified in accordance with law, the boundaries of the Town of West Norman are as follows:

Starting at the center of the Catawba River Bridge and the north right-of-way of Highway 73 and the east boundary of Lincoln County, west along the north right-of-way of Highway 73 to the intersection of South Pilot Knob Road; southwest along the northwest right-of-way of South Pilot Knob Road to the intersection of the Boundary of Waterside Crossing property; south along the boundary line of Waterside Crossing property south of South Pilot Knob Road to the southwest corner of Waterside Crossing property and the northwest right-of-way of South Pilot Knob Road; southwest along the northwest right-of-way of South Pilot Knob Road to the intersection of South Little Egypt Road; thence northwest along the northeast right-of-way of South Little Egypt Road crossing Highway 16 to the southeast intersection of Oxford Hunt property and South Little Egypt Road; southwest along the boundary of Oxford Hunt property to include all Oxford Hunt property southwest of South Little Egypt Road and back to the

intersection of the west side of Oxford Hunt property and the northeast right-of-way of South Little Egypt Road, then northwest along the northeast right-of-way of South Little Egypt Road to the intersection of the north right-of-way of Highway 73 thence west along the north right-of-way of Highway 73 to the intersection of Schronce Road and Highway 73; thence, northeast along the southeast right-of-way of Schronce Road to Ingleside Farm Road to the intersection of Schronce Road and the northeast right of way on North Ingleside Farm Road. Thence northwest along the northeast right-of-way of North Ingleside Farm Road to the intersection of the Michael R. Newsom property line. Thence along the north side of this property line to Snyder Creek, north along Snyder Creek to the point where the Edward H. Knox property joins Snyder Creek. Northwest, then northeast along the Edward H. Knox property line to Kidville Road and the intersection of Kidville Road and the Kidville Road-N.C. 16 Bypass LLC property line. Then northwest, northeast and southeast along the Kidville Road-N.C. 16 Bypass LLC property line to the St. James United Methodist Church property line. Then along this line to southeast right-of-way of St. James Church Road. North along east right-of-way of St. James Church Road to the intersection with the Catawba Springs Hunters Club property. Then east, south, northeast and south along the Catawba Springs Hunters Club property to the intersection with the CSX Railroad. Then north along the CSX Railroad right-of-way to the S.A. Howard Jr. property, east along this property line and across Highway 16 east right-of-way. North along the Highway 16 east property line to the south right-of-way of Webbs Road right-of-way; thence along the south right-of-way of Webbs Road to the intersection of Burton Lane and Webbs Road; then north along the east right-of-way of Burton Lane to the intersection of Burton Lane and the northwest corner of Crescent Resources property; thence east along the north boundary of Crescent Resources property to the east boundary of Lincoln County in Lake Norman; thence south along the east boundary of Lincoln County in Lake Norman to include the Cowans Ford Hydroelectric Plant and south to the starting point at the east boundary of Lincoln County and the north right-of-way of Highway 73 on the Catawba River Bridge.

"ARTICLE III.

"GOVERNING BODY.

"Section 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Town of West Norman is the Town Council, which shall have five members and the Mayor.

"Section 3.2. **Temporary Officers.** Until the initial elections of 2003 provided for by Section 4.1 of this Charter, Larry Olmsted is hereby appointed Mayor, and Jack G. McCachern, Thomas McGuire, Gregory H. Coffey, Leonard McPherson, and Celeste I. Renaldo are appointed members of the Town Council. They shall possess and exercise the powers granted to the governing body until their successors are elected or appointed and qualified pursuant to this Charter. If any person named in this section is unable to serve, the remaining temporary officers shall, by majority vote, appoint a person to serve until the regular municipal elections are held in 2003.

"Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall serve four-year terms. In 2003, the three candidates receiving the highest numbers of votes shall be elected to four-year terms and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms. In 2005, and quadrennially thereafter, two members shall be elected to four-year terms. In 2007, and quadrennially thereafter, three members shall be elected to four-year terms.

"Section 3.4. **Manner of Electing Mayor; Term of Office.** The qualified voters of the entire Town shall elect the Mayor. In 2003, and biennially thereafter, the Mayor shall be elected for a term of two years.

"ARTICLE IV.

"ELECTIONS.

"Section 4.1. **Conduct of Town Elections.** Elections shall be conducted on a nonpartisan basis and results determined by a plurality as provided in G.S. 163-292.

"ARTICLE V.

"ADMINISTRATION.

"Section 5.1. **Town to Operate Under Council-Manager Plan.** The Town shall operate under the Council-Manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes."

SECTION 2.(a) The whole or any portion of the Denver Fire Protection District and the East Lincoln Fire Protection District that is located within the boundaries of the Town of West Norman upon the effective date of this act shall remain a fire protection district or portion of a fire protection district and the district or portion shall be subject to G.S. 69-25.4 authorizing the Lincoln County Board of Commissioners to levy and collect a tax in the district or portion for the purpose of furnishing fire protection therein.

SECTION 2.(b) G.S. 69-25.15 shall not apply to the Town of West Norman.

SECTION 2.(c) Upon the adoption of an ordinance by the governing body of the Town of West Norman finding that the Town is able to establish a fire and rescue department staffed either by volunteers or by full-time professional employees, or to otherwise adequately provide for fire protection and rescue services, the whole or any portion of the Denver Fire Protection District and the East Lincoln Fire Protection District that is located within the boundaries of the Town of West Norman shall immediately cease to be a fire protection district or portion of a fire protection district and the district or portion shall no longer be subject to G.S. 69-25.4. Any ordinance adopted under this subsection shall become effective on the first day of July which is more than 60 days after adoption of the ordinance.

SECTION 3. From and after the effective date of this act, the citizens and property in the Town of West Norman shall be subject to municipal taxes levied for the year beginning July 1, 2001. For that purpose the Town shall obtain from Lincoln County a record of property in the area herein incorporated which was listed for property taxes as of January 1, 2001. The Town may adopt a budget ordinance for

fiscal year 2001-2002 without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 2001-2002, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance and thereafter in accordance with the schedule in G.S. 105-360. If the effective date of the incorporation is prior to July 1, 2001, the Town may adopt a budget ordinance for fiscal year 2000-2001 without following the timetable in the Local Government Budget and Fiscal Control Act but shall follow the sequence of actions in the spirit of the act insofar as practical. No ad valorem taxes may be levied for the 2000-2001 fiscal year.

SECTION 4. The Lincoln County Board of Elections shall conduct an election on a date set by the Board, to be not less than 60 nor later than 120 days after this act becomes law, for the purpose of submission to the qualified voters for the area described in Section 2.1 of the Charter of the Town of West Norman the question of whether or not the area shall be incorporated as the Town of West Norman. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

SECTION 5. In the election, the question on the ballot shall be:

" [ ] FOR [ ] AGAINST

Incorporation of the Town of West Norman".

SECTION 6. In the election, if a majority of the votes are cast "For the Incorporation of the Town of West Norman", Sections 1 through 3 of this act shall become effective on the date that the Lincoln County Board of Elections certifies the results of the election. Otherwise, Sections 1 through 3 of this act shall have no force and effect.

SECTION 7. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 24 A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM.

☐ 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 202*
House Committee Substitute Favorable 4/11/01

Short Title: Amend Fisheries Laws. (Public)

Sponsors:

Referred to:

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-182.1(d) reads as rewritten:

"(d) Each Fishery Management Plan shall be ~~revised~~ reviewed at least once every ~~three~~ five years. The Marine Fisheries Commission may revise the Priority List and guidance criteria whenever it determines that a revision of the Priority List or guidance criteria will facilitate or improve the development of Fishery Management Plans or is necessary to restore, conserve, or protect the marine and estuarine resources of the State. The Marine Fisheries Commission may not revise the Schedule for the development of a Fishery Management Plan, once adopted, without the approval of the Secretary of Environment and Natural Resources."

SECTION 2. Section 6.15 of S.L. 1997-400 reads as rewritten:

"Section 6.15. Sections 1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 5.5, 5.6, 5.8, 6.2, 6.7, 6.10, 6.11, 6.12, 6.13, and 6.15 of this act are effective when this act becomes law. Sections 2.1, 4.4, 5.3, 6.3, 6.4, 6.5, 6.6, and 6.8 of this act become effective 1 September 1997. Sections 4.1, 4.2, and 4.3 of this act become effective 1 September 1997 and apply to violations and offenses on or after 1 September 1997. Section 1.2 of this act is effective retroactively as of 1 March 1997. Sections 6.1 and 6.14 of this act become effective 15 August 1997. Sections 3.1, 3.2, 3.3, 3.4, 3.5, and 6.9 of this act become effective 1 July 1998. Sections 2.2, 5.1, 5.2, 5.4, and 5.7 of this act become effective 1 July 1999. Section 4.5 of this act becomes effective 1 July 1999 and applies to violations and

offenses on or after 1 July 1999. ~~Sections 5.1 and 5.2 of this act expire 1 September 2003.~~"

SECTION 3. Section 5.6 of S.L. 1998-225 reads as rewritten:

"Section 5.6. Sections 1.3, 1.5, 1.8, 2.1, 3.2, 3.8, 4.4, 4.5, 4.23, 5.1, 5.2, 5.3, 5.4, 5.5, and 5.6 of this act are effective when this act becomes law. Sections 3.7 and 3.9 of this act become effective December 1, 1998, and apply to offenses committed on or after that date. Sections 1.4, 3.3, 3.4, 3.10, 4.1, 4.2, 4.3, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, and 4.24 become effective July 1, 1999. Section 4.6 is effective retroactively to August 14, 1997. Sections 1.1, 1.2, 1.6, 1.7, 3.1, 3.5, 3.6, 4.7, and 4.8 are effective retroactively to September 1, 1997. ~~Section 4.15 expires September 1, 2003.~~"

SECTION 4. Section 3 of Chapter 547 of the 1995 Session Laws, Regular Session 1996, as amended by subsection (b) of Section 1 of Chapter 633 of the 1995 Session Laws, Regular Session 1996; Section 27.33 of Chapter 18 of the 1996 Session Laws, Second Extra Session; Section 12 of S.L. 1997-256; Section 8 of S.L. 1997-347; Section 6.14 of S.L. 1997-400; Section 15 of S.L. 1998-23; Section 1 of S.L. 1998-56; and Section 1 of S.L. 1999-209, reads as rewritten:

"Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation leases shall be imposed in the remaining area of Core Sound not described in Section 1 of this act. During the moratorium, a comprehensive study of the shellfish lease program shall be conducted. The moratorium established under this section covers that part of Core Sound bounded by a line beginning at a point on Cedar Island at 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N - 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N - 76°31'12"W, thence following the shoreline in a northerly direction to the point of beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the Rumley Bay ditch shall be considered shoreline. The moratorium shall expire ~~October 1, 2001.~~ October 1, 2002."

SECTION 5. G.S. 143B-289.54(d) reads as rewritten:

"(d) Terms. – The term of office of members of the Commission is three years. A member may be reappointed to any number of successive three-year terms. Upon the expiration of a three-year term, a member shall continue to serve until a successor is appointed and duly qualified as provided by G.S. 128-7. The term of members appointed under subdivisions (1), ~~(2), and (3)~~ (4), and (7) of subsection (a) of this section shall expire on 30 June of years evenly divisible by three. The term of members appointed under subdivisions ~~(4), (5), and (6)~~ (2), (5), and (8) of subsection (a) of this section shall expire on 30 June of years that precede by one year those years that are evenly divisible by three. The term of members appointed under subdivisions ~~(7), (8),~~ (3), (6), and (9) of subsection (a) of this section shall expire on 30 June of years that follow by one year those years that are evenly divisible by three."

SECTION 6. In order to alter the schedule of staggered terms of three years for the Marine Fisheries Commission and to provide for an orderly transition in membership of the Commission as specified in G.S. 143B-289.54, as amended by Section 1 of this act, notwithstanding G.S. 143B-289.54(d), the following provisions apply:

(1) Willy Phillips shall serve in the position established by G.S. 143B-289.54(a)(1) through June 30, 2001.

(2) Robert Southerland shall serve in the position established by G.S. 143B-289.54(a)(2) through June 30, 2001. The term of the individual next appointed to fill this position shall be for two years and shall expire June 30, 2003.

(3) Jimmy Johnson shall serve in the position established by G.S. 143B-289.54(a)(3) for a term of four years through June 30, 2002.

(4) Norman F. Bradford, Jr., shall serve in the position established by G.S. 143B-289.54(a)(4) for a term of four years through June 30, 2004.

(5) William T. Russ, Jr., shall serve in the position established by G.S. 143B-289.54(a)(5) through June 30, 2003.

(6) Benjamin Currin shall serve in the position established by G.S. 143B-289.54(a)(6) through June 30, 2003. The term of the individual next appointed to fill this position shall be for two years and shall expire June 30, 2005.

(7) Barbara Garrity-Blake shall serve in the position established by G.S. 143B-289.54(a)(7) through June 30, 2002. The term of the individual next appointed to fill this position shall be for two years and shall expire June 30, 2004.

(8) Bryan Gillikin shall serve in the position established by G.S. 143B-289.54(a)(8) for a term of four years through June 30, 2003.

(9) B.J. Copeland shall serve in the position established by G.S. 143B-289.54(a)(9) through June 30, 2002.

SECTION 7. Sections 1 and 7 of this act are effective when it becomes law. Sections 2 through 4 of this act become effective July 1, 2001. Sections 5 and 6 of this act become effective June 30, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) Culpepper (Chair/Chairs) for the Committee on Rules, Calendar and Operations of the House .

☒ House Committee Substitute for
S.B. 202 A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H 1

HOUSE BILL 580

Short Title:	Wilson County Local Act-1.	(Local)
Sponsors:	Representative Tolson.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 13, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF WILSON.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Wilson County only.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 580
PROPOSED COMMITTEE SUBSTITUTE H580-PCS3462-LG-15

Short Title: Wilson Infrastructure Extension Funds. (Public)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO EXTEND INFRASTRUCTURE TO INDUSTRIAL SITES IN WILSON COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to Wilson County the sum of three million one hundred thousand dollars ($3,100,000) for the 2001-2002 fiscal year to extend infrastructure to several industrial sites within the county to create new jobs, expand the tax base, increase payroll, and provide new sales tax revenues.

SECTION 2. This act becomes effective July 1, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) 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 COUNTY 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 279
Committee Substitute Favorable 4/24/01

Short Title: Dare Beach Nourishment Eminent Domain. (Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE COUNTY OF DARE TO EXERCISE THE POWER OF EMINENT DOMAIN TO FACILITATE BEACH NOURISHMENT AND SHORELINE PRESERVATION ACTIVITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 40A-3(b) is amended by adding a new subdivision to read:

"(10) Engaging in or participating with other governmental entities in a beach nourishment or shoreline preservation program, including access to property for the purpose of staging equipment and installing pipes and other construction activities."

SECTION 2. This act applies to Dare County only.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 279

Committee Substitute Favorable 4/24/01

PROPOSED COMMITTEE SUBSTITUTE H279-CSLCx-28 [v.2]

5/10/2001 11:13:45 AM

Short Title: Modify Dare Transfer Tax. (Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DARE COUNTY EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 2 of S.L. 85-525 reads as rewritten:

"Sec. 2. Tax. (a) Authorization. – The Dare County Board of Commissioners may, by resolution, levy an excise tax on instruments conveying certain interests in real property in Dare County. The tax imposed may not exceed one dollar ($1.00) on each one hundred dollars ($100.00) or fraction thereof of the total consideration or value of the interest conveyed, including, in the case of a sale, the value of any lien or encumbrance remaining on the property at the time of sale.

(a1) Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Dare County Board of Commissioners may, by resolution, levy an additional excise tax on instruments taxable under subsection (a) of this section. The tax imposed may not exceed one dollar ($1.00) on each one hundred dollars ($100.00) or fraction thereof of the total consideration or value of the interest conveyed, including, in the case of a sale, the value of any lien or encumbrance remaining on the property at the time of sale. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this section. The Dare County Board of Commissioners may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

(a2) Basis. – This tax is in addition to the tax levied by Article 8E of Chapter 105 of the General Statutes. The value of a lease subject to this tax shall be computed on the basis of the present value of the fixed lease payments and, if the lease payments are based in whole or in part on the lessee's receipts, the estimated amount of the lessee's receipts.

(b) Scope.– A tax levied under this section applies to all instruments conveying an interest in real property in Dare County except an instrument:

(1) Conveying an interest in real property from the United States, the State, or a political subdivision of the State;
(2) Recording a lease for a term of 10 years or less, unless:
a. The lease gives the lessee an option to renew the lease for a period that, when added to the term of the lease, exceeds the 10-year limitation; or
b The lease is for substantially the same property and is between the same parties as a lease previously recorded, and the term of the new lease, when added to that of the previous lease, exceeds the 10-year limitation; or
c. The lease requires or permits the property to be transferred to the lessee for less than the fair market value of the property;
(3) Securing indebtedness; or
(4) Recording a transfer in which no consideration was paid or is due the transferor by the transferee.

In addition, this tax does not apply to conveyances of an interest in real property by operation of law, by will, or by intestacy.

(c) Collection. – A tax levied under this section is payable by the transferor of the interest to the Dare County Tax Collector. This tax must be paid at the tax collector's office before the instrument conveying the interest is recorded. The tax collector shall stamp or otherwise mark each instrument subject to the tax to indicate that the tax has been paid. The Dare County Register of Deeds may not accept for recordation an instrument subject to a tax levied under this section unless the instrument bears the tax collector's mark indicating that the tax has been paid.

(d) Appeal. – A person who is liable for a tax levied under this section who disputes the amount of tax due shall pay the tax stated by the tax collector to be due, but may appeal the payment of the tax to the Land Transfer Tax Appeals Board by filing a written notice of appeal with the tax collector within 30 days after paying the tax. Upon receipt of a notice of appeal, the tax collector shall forward a copy of the notice of appeal to the chairman of the Land Transfer Tax Appeals Board. A notice of appeal shall state the reason for the appeal and the amount of tax the appellant contends is due.

The Land Transfer Tax Appeals Board is established to determine appeals of taxes imposed under this section. The Board shall consist of seven members, two of whom shall be appointed by the Dare County Board of Commissioners, one of whom shall be appointed by the governing body of Kill Devil Hills, one of whom shall be appointed by the governing body of Kitty Hawk, one of whom shall be appointed by the governing body of Manteo, one of whom shall be appointed by the governing body of Nags Head, and one of whom shall be appointed by the governing body of Southern Shores. The county commissioners shall designate a chairman of the Board from the membership of the Board. The expenses of the Board are an administrative expense and shall be paid from the proceeds of the tax.

Members of the Board shall serve staggered four-year terms, with the term of one of the members appointed by the board of commissioners and the terms of the

members appointed by the governing bodies of Nags Head and Southern Shores ending on June 30 of one four-year period, and the terms of the remaining members ending on June 30 of the four-year period ending the second year following the year in which the terms of the other three members ended. Members shall serve until their successors are appointed. A vacancy shall be filled by the appointing authority of the member who created the vacancy.

The Land Transfer Tax Appeals Board shall meet at the call of the chairman and shall meet as often as needed to hear appeals. All appeals to the Board shall be heard by the Board within 45 days of the date the tax collector receives a notice of appeal. The Board shall issue a written decision within 20 days after hearing an appeal and shall send a copy of the decision to the appellant and to the tax collector. If the decision states that an appellant paid more tax than was due, the tax collector shall immediately refund to the appellant the amount of the overpayment. The appellant and the tax collector may appeal the decision of the Board in an action brought in the superior court of the county. An appeal to the superior court shall be heard de novo.

(e) Use and Distribution of ~~Tax Revenue.~~Original Tax. – For the first 12 fiscal years in which a tax levied under subsection (a) of this section is in effect, all proceeds of the tax shall be retained by the county and shall be placed in a special Capital Reserve Fund in the general fund of the county. Revenue in this Fund may be used by the county only for capital expenditures for the following:
courts, jails and detention facilities, emergency medical services, libraries, recreation, education, administration, water, sewage, health, and social services.

Beginning with the 13th fiscal year in which a tax levied under subsection (a) of this section is in effect, the county shall distribute one-third (1/3) of the net proceeds of the tax on a quarterly basis to the Towns of Nags Head, Kill Devil Hills, Kitty Hawk, Southern Shores, and Manteo in Dare County in proportion to the amount of ad valorem taxes levied by each town for the preceding fiscal year. Revenue distributed to a town may be used only for capital expenditures. The remaining two-thirds (2/3) of the net proceeds shall be retained by the county and placed in the special Capital Reserve Fund established under this subsection, to be used only for the purposes listed above. As used in this ~~subsection,~~ section, "net proceeds" means gross proceeds less the cost to the county of administering and collecting the tax.

(e1) Use and Distribution of Additional Tax. – Dare County may use the net proceeds of a tax levied under subsection (a1) of this section only for public school capital outlay purposes as defined in G.S. 115C-426(f) or to retire any indebtedness incurred by the county for these purposes.

(f) Penalties. – A person who knowingly fails to pay a tax levied under this section, who knowingly aids another to fail to pay a tax levied under this section, or who, to avoid paying part or all of the tax due under this section, knowingly misstates the total consideration for an interest conveyed is guilty of a misdemeanor and is punishable by imprisonment for up to two years and a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000).

(g) Taxes Recoverable by Action. – If a transferor fails to pay a tax imposed by this section within 30 days of the tax collector's demand that he pay the tax, the tax may be recovered by Dare County in an action brought in the superior court of the county. In an action to recover a tax imposed under this section, costs of court shall include a fee to the county of twenty-five dollars ($25.00) for the expense of collection.

(h) Effective Date; Application. – ~~A tax levied~~ The levy or increase of a tax under this section shall become effective on the first day of a month, as designated in the resolution levying or increasing the tax, and may not become effective for at least 30 days after the adoption of the resolution. ~~A tax levied~~ The levy or increase of a tax under this section applies to instruments that are executed on or after the effective date of the ~~levy,~~ levy or increase, except instruments executed on or after that date that convey an interest in real property pursuant to a recorded written contract made before the effective date.

(i) ~~Repeal.~~ Repeal or Reduction. – A tax levied by this section may be repealed or reduced by a resolution adopted by the Dare County Board of Commissioners. Repeal or reduction of a tax levied under this section shall become effective on the first day of a month and shall apply to instruments recorded on or after the effective date of the ~~repeal. Repeal~~ repeal or reduction. Repeal or reduction of a tax levied under this section does not affect a liability for this tax that attached before the effective date of the ~~repeal.~~ repeal or reduction. "

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
H.B. 279 A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF DARE TO EXERCISE THE POWER OF EMINENT DOMAIN TO FACILITATE BEACH NOURISHMENT AND SHORELINE PRESERVATION ACTIVITIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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 title, unfavorable as to committee substitute bill #1, and recommendation that the committee substitute bill #2 be re-referred to the Committee on Finance.

☐ Without prejudice as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

SENATE BILL 825
Judiciary I Committee Substitute Adopted 4/19/01

Short Title: State Health Plan Contract/Exempt APA. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-1(e) reads as rewritten:

"(e) Exemptions From Contested Case Provisions. – The contested case provisions of this Chapter apply to all agencies and all proceedings not expressly exempted from the Chapter. The contested case provisions of this Chapter do not apply to the following:

(1) The Department of Health and Human Services and the Department of Environment and Natural Resources in complying with the procedural safeguards mandated by Section 680 of Part H of Public Law 99-457 as amended (Education of the Handicapped Act Amendments of 1986).

(2) Repealed by Session Laws 1993, c. 501, s. 29.

(3) The North Carolina Low-Level Radioactive Waste Management Authority in administering the provisions of G.S. 104G-9, 104G-10, and 104G-11.

(4) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-11, 130B-13, and 130B-14.

(5) Hearings required pursuant to the Rehabilitation Act of 1973, (Public Law 93-122), as amended and federal regulations promulgated thereunder. G.S. 150B-51(a) is considered a contested case hearing provision that does not apply to these hearings.

(6) The Department of Revenue.

(7) The Department of Correction.
(8) The Department of Transportation, except as provided in G.S. 136-29.
(9) The Occupational Safety and Health Review Board.
(10) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.
(11) Hearings that are provided by the Department of Health and Human Services regarding the eligibility and provision of services for eligible assaultive and violent children, as defined in G.S. 122C-3(13a), shall be conducted pursuant to the provisions outlined in G.S. 122C, Article 4, Part 7.
(12) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan with respect to disputes involving the performance, terms, or conditions of a contract between the Plan and an entity under contract with the Plan."

SECTION 2. Part 2 of Article 3 of Chapter 135 of the General Statutes is amended by adding the following new section to read:

"**§ 135-39.11. Contract disputes.**

A dispute involving the performance, terms, or conditions of a contract between the Plan and an entity under contract with the Plan is not a contested case under Article 3 of Chapter 150B of the General Statutes."

SECTION 3. G.S. 1-265 reads as rewritten:

"**§ 1-265. Word 'person' construed.**

The word 'person' wherever used in this Article, shall be construed to mean any person, State agency, partnership, joint-stock company, unincorporated association, or society, or municipal corporation or other corporation of any character whatsoever."

SECTION 4. This act is effective when it becomes law and applies to cases pending on that date.

SENATE BILL 825:
State Health Plan Contract/Exempt APA

BILL ANALYSIS

Committee:	House Rules Committee	**Introduced by:**	Senator Rand
Date:	May 29, 2001	**Summary by:**	Dianna Jessup, Giles S. Perry
Version:	2nd Edition		Committee Counsel

SUMMARY: Senate Bill 825 would:

- ***Exempt disputes between the Teachers' and State Employees' Comprehensive Major Medical Plan ("the Plan") and entities under contract with the Plan from the contested case provisions of the Administrative Procedure Act; and***
- ***Clarify that a State Agency may seek relief under the State declaratory judgment act.***

Senate Bill 825 would become effective when it become law, and apply to cases pending on that date.

CURRENT LAW: Under current law, disputes between the Plan and entities under contract with it, such as health maintenance organizations (HMOs), are apparently subject to review by the State courts only if the parties have first exhausted their remedies under the contested case provisions of the State Administrative Procedure Act. In addition, under current law, it is unclear if a State agency is party with standing to bring an action for a declaratory judgment under Article 26 of Chapter 1 of the General Statutes.

Unless specifically exempted, most agencies are subject to Article 3 of the Administrative Procedure Act (APA) regarding contested cases. Generally, contested cases are filed against a State agency, heard by an administrative law judge in the Office of Administrative Hearings who makes a recommended decision, and the State agency makes the final decision. If an aggrieved party is not satisfied with the agency's final decision, the party may file an action with the court. If an agency or a particular type of case is exempt from the contested case provisions of the APA, the aggrieved party may file an action with the court without having to file a contested case first.

The following State agencies have full exemption from the APA, including the contested case provisions:

- The NC National Guard in exercising it court-martial jurisdiction. *(G.S. 150B-1(c)(1))*
- DHHS in exercising its authority over Camp Butner. *(G.S. 150B-1(c)(2))*
- The Utilities Commission. *(G.S. 150B-1(c)(3))*
- The Industrial Commission. *(G.S. 150B-1(c)(4))*
- The Employment Security Commission. *(G.S. 150B-1(c)(5)*
- The University of NC, except for Article 4, Judicial Review. *(G.S. 150B-1(f))*
- The NC Tobacco Research Commission. *(G.S. 106-568.8)*
- Local boards of trustees for community colleges. *(G.S. 115D-80)*
- State departments, institutions and commissions with regard to rules for the selection and retention of law-enforcement officers. *(G.S. 143-166.40)*
- The Department of Administration, State Property Office, in granting certain easements where approval is not required by the Governor or the Council of State. *(G.S. 146-12(i))*
- The State Board of Elections with regard to precinct boundaries. *(G.S. 163-132.5B)*

The following State agencies are exempt from the contested case provisions of the APA:

- DHHS and DENR in complying with procedural safeguards in the federal Education of the Handicapped Act Amendments of 1986. *(G.S. 150B-1(e)(1))*
- NC Low-Level Radioactive Waste Management Authority. *(G.S. 150B-1(e)(3))*
- NC Hazardous Waste Management Commission. *(G.S. 150B-1(e)(4))*
- Hearings required pursuant to the Rehabilitation Act of 1973. *(G.S. 150B-1(e)(5))*
- The Department of Revenue. *(G.S. 150B-1(e)(6))*
- The Department of Correction. *(G.S. 150B-1(e)(7))*
- The Department of Transportation, except for G.S. 136-29, regarding adjustment and resolution of highway contract claim. *(G.S. 150B-1(e)(8))*
- OSHA Review Board. *(G.S. 150B-1(e)(9))*
- NC Global TransPark Authority with respect to the acquisition, construction, operation or use, including fees or charges, of any portion of a cargo airport complex. *(G.S. 150B-1(e)(11))*
- DHHS hearings regarding eligibility and provision of services for eligible assaultive and violent children. *(G.S. 150B-1(e)(11))*
- Proclamations issued by the Marine Fisheries Director pursuant to G.S. 113-221(e). *(G.S. 113-221(e1))*
- Decisions of the Standard Commercial Fishing (SCFL) Eligibility Board regarding whether or not an applicant is eligible to receive a SCFL. *(S.L. 1998-225, Sec. 4.24)*

BILL ANALYSIS: Senate Bill 825 would exempt disputes between the Teachers' and State Employees' Comprehensive Major Medical Plan ("the Plan") and entities under contract with the Plan from the contested case provisions of the Administrative Procedure Act. Contract disputes between the Plan and any entity contracting with the Plan would be litigated in State court and would not go through an administrative hearing first.

In addition, the bill would clarify that a State Agency may seek relief under the State declaratory judgment act.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 825 A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT 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)

2/15/01

VISITOR REGISTRATION SHEET

Name of Committee | Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jack G. McGeachern	Denver N.C.
Mary A Knapp	" "
JERI Nutting	" "
AC Lovin	" "
Carol Cline	" "
Cynthia Moore Jones	Denver, N. Carolina
Arnold H. Coffey	" " "
Bonnie H. Coffey	" " "
Alex Coffey	" " "
Greg Coffey	" " "
Carolyn Johnson	Denver " "
Gerald Johnson	" " "
Kenneth Tucker	Denver " "
Jerry Brookshire	Denver NC
Jason Adams	Lincolnton, NC
Kenneth D Sigmon	Denver NC
Roger Story	Denver, NC
Robert Sigmon	
Tim Sigmon	Denver N.C.
Matt Brody	CCNC
Michelle Frazier	NC Bar Assoc.

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JUNE 19, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 367 – LOW- INCOME HOUSING CREDIT PROGRAM EXEMPT/APA

HB 368 - HALIFAX COUNTY LOCAL ACT

SB 139 – LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

June 19, 2001

The Committee on Rules, Calendar and Operations of the House met on June 19, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, Sherrill and Yongue.

The following bills were considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 367 – AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, AND TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY THE APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO THESE AGENCIES. A proposed House committee substitute changing the title to AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSE IN FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN was offered, and Representative Jarrell moved for its adoption, which motion carried. The chairman informed the committee that the bill had been given a favorable report by the House State Government Committee and originally had contained a study provision. Senator Hoyle, bill sponsor, was recognized to explain the bill. He stated that the House proposed committee substitute eliminates the study provision. Representative Sherrill moved for a favorable report for the proposed House committee substitute, unfavorable as to the Senate committee substitute. The motion carried.

HOUSE BILL 368 – A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX. A proposed committee substitute changing the title to AN ACT REPEALING AN ANNEXATION TO THE CITY OF WELDON was offered. Representative Hackney moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. Representative Crawford, bill sponsor, was recognized. He stated that the proposed committee substitute would repeal a bill passed earlier in the session of the forced satellite annexation of a power plant by the Town of Weldon. He further stated that the town and the power plant had been in annexation negotiations, and in his opinion, the annexation was irregular and unfair. Representative Allred moved that the proposed committee substitute be given a

favorable report and be re-referred to the Committee on Finance, unfavorable as to the original bill. The motion passed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 139 – AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS. A proposed House committee substitute changing the title to AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM was offered. Representative McCombs moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, it was so ordered. The chairman stated that the bill had passed the Senate, was given a favorable report by the House Education Committee and had been calendared. At Representative Allred's request, the bill was removed from the calendar and re-referred to the Rules Committee for the purpose of adding Section 2 which allows any charter school that was approved this year to make the election to join the Retirement System no later than August 1 of this year. Representative McCombs made a motion that the proposed House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute.

There being no further business, the meeting adjourned at 1:15 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 367

Judiciary I Committee Substitute Adopted 4/25/01

Short Title: Low-Income Housing Credit Program Exempt/APA. (Public)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, AND TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY THE APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO THESE AGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

(1) The Commission.

(2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.

(3) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-13 and G.S. 130B-14.

(4) The Department of Revenue, with respect to the notice and hearing requirements contained in Part 2 of Article 2A.

(5) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.

(6) The Department of Correction, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.

(7) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in administering the provisions of Parts 2 and 3 of Article 3 of Chapter 135 of the General Statutes.

(8) The North Carolina Federal Tax Reform Allocation Committee, with respect to the adoption of the annual qualified allocation plan required by 26 U.S.C. § 42(m), and any agency designated by the Committee to the extent necessary to administer the annual qualified allocation plan."

SECTION 2. The Joint Legislative Administrative Procedure Oversight Committee shall study the applicability of the Administrative Procedure Act to the North Carolina Federal Tax Reform Allocation Committee and the North Carolina Housing Finance Agency and may report to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 367

Judiciary I Committee Substitute Adopted 4/25/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S367-CSSW-51 [v.1]

6/14/2001 1:52:57 PM

Short Title: Low-Income Housing Credit Program Exempt/APA. (Public)

Sponsors:

Referred to:

March 7, 2001

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

(1) The Commission.

(2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.

(3) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-13 and G.S. 130B-14.

(4) The Department of Revenue, with respect to the notice and hearing requirements contained in Part 2 of Article 2A.

(5) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.

(6) The Department of Correction, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.

(7) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in administering the provisions of Parts 2 and 3 of Article 3 of Chapter 135 of the General Statutes.

(8) The North Carolina Federal Tax Reform Allocation Committee, with respect to the adoption of the annual qualified allocation plan required by 26 U.S.C. § 42(m), and any agency designated by the Committee to

the extent necessary to administer the annual qualified allocation plan."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 367 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, AND TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY THE APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO THESE AGENCIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 368

Short Title:	Halifax County Local Act.	(Local)
Sponsors:	Representative Crawford.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF HALIFAX.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Halifax County only.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 368
PROPOSED COMMITTEE SUBSTITUTE H368-PCS6299-LBx-50

Short Title: Weldon Annexation Repeal. (Local)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT REPEALING AN ANNEXATION TO THE CITY OF WELDON.

The General Assembly of North Carolina enacts:

SECTION 1. Session Law 2001-49 is repealed.

SECTION 2. This act becomes effective May 7, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) 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 COUNTY OF HALIFAX.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 139
Education/Higher Education Committee Substitute Adopted 3/21/01
Third Edition Engrossed 3/28/01

Short Title: Local Flex. Regarding Charter Sch. Teachers. (Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) reads as rewritten:

"(e) Employees. –

...

(3) If a teacher employed by a local school administrative unit makes a written request for ~~an extended~~ a leave of absence to teach at a charter school, the local school administrative unit shall grant the ~~leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request.~~ leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 45 days before the teacher would otherwise have to report for duty. ~~For subsequent years,~~ After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving ~~an extended~~ a leave of absence to teach at a charter school may return to a public school in the local

school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2)."

SECTION 2. This act is effective when it becomes law and applies to requests under G.S. 115C-238.29F(e)(3) that are made on and after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 139

Education/Higher Education Committee Substitute Adopted 3/21/01
Third Edition Engrossed 3/28/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S139-CSRO-23 [v.1]

6/7/2001 10:30:26 AM

Short Title: Local Flex. Regarding Charter Sch. Teachers. (Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) reads as rewritten:

"(e) Employees. –

...

(3) If a teacher employed by a local school administrative unit makes a written request for ~~an extended~~ a leave of absence to teach at a charter school, the local school administrative unit shall grant the ~~leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request.~~ leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 45 days before the teacher would otherwise have to report for duty. ~~For subsequent years,~~ After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that

school board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving ~~an extended~~ a leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2)."

SECTION 2. Notwithstanding the time limitation contained in G.S. 135-5.3(b), the board of directors of any charter school that received State Board of Education approval under G.S. 115C-238.29D on or after March 15, 2001, may elect to become a participating employer in the Teachers' and State Employees' Retirement System in accordance with Article 1 of Chapter 135. The election authorized by this section must be made no later than August 1, 2001, and in accordance with all other requirements of G.S. 135-5.3.

SECTION 3. Section 1 of this act is effective when it becomes law and applies to requests under G.S. 115C-238.29F(e)(3) that are made on and after that date. The remainder of this act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute [redacted] for
S.B. 139 A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

X With a favorable report as to House committee substitute bill, X which changes the title, unfavorable as to Senate Committee Substitute Bill [redacted].

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 6/19/01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
W. Travis Porter	Martin Tayloe + Ellis
Margaret McMahon	NC Housing Finance Agy
Glen Kurtz	NCPTA
Susan Johnson	WCPSS
Jeanne Winner	NCSBA
John Bode	NCASA
BOB KUCAB	NCHFA
Angie Harris	Martin Taylor + Ellis
Henry M Lancaster III	LCA
REGINALD JOHNSON	SELF-HELP
Ann Belam	Belam Assoc.
John Phelps	NCLM
Tim Minton	NC Home Builders Assn

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JUNE 26, 2001
3:30 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 467 – 19TH HOUSE DISTRICT LOCAL ACT-2

HB 583 – NASH COUNTY LOCAL ACT-1

HR 1458 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH HEWES, WILLIAM HOOPER, AND JOHN PENN, THE SIGNERS OF THE DECLARATION OF INDEPENDENCE FROM NORTH CAROLINA ON THE TWO HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THAT HISTORIC DOCUMENT BY THE SECOND CONTINENTAL CONGRESS

SJR 362 – A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

June 26, 2001

The Committee on Rules, Calendar and Operations of the House met on June 26, 2001 at 3:30 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Hackney, Allen, Barefoot, Barnhart, Boyd-McIntyre; Buchanan, Culp, Gulley, Hill, Justus, Luebke, McCombs, McMahan Rogers, Setzer, Sherrill and Yongue.

The following bills were considered:

HOUSE BILL 467 – AN ACT RELATING TO THE 19TH HOUSE DISTRICT. A proposed committee substitute changing the title to A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY was offered, and Representative Culp moved for its adoption for the purpose of discussion. Without objection, it was so ordered. Following a request by the sponsor, Representative Cox, that the proposed committee substitute be given a favorable report, unfavorable as to the original resolution, Representative Buchanan so moved, and the motion carried.

HOUSE BILL 583 – AN ACT RELATING TO THE COUNTY OF NASH. A proposed committee substitute changing the title to AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX was offered, and Representative Boyd-McIntyre moved for its adoption for the purpose of discussion. Without objection, it was so ordered. Representative Tolson, bill sponsor, was recognized to explain the bill. He stated that Nash County has never levied a three cent occupancy tax previously granted to it and is now asking that the tax be levied. He also explained how the tax would be spent with the approval of the Tourism Development Authority. Representative Yongue moved that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill, and that the committee substitute be re-referred to the Committee on Finance. The motion passed.

HOUSE RESOLUTION 1458 – A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH HEWES, WILLIAM HOOPER, AND JOHN PENN, THE SIGNERS OF THE DECLARATION OF INDEPENDENCE FROM NORTH CAROLINA ON THE TWO HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THAT HISTORIC DOCUMENT BY THE SECOND CONTINENTAL CONGRESS. Representative Barefoot, sponsor of the resolution, spoke on the resolution and stated that he thought it fitting that the three signers of the Declaration of Independence from North Carolina be honored. Following his remarks, Representative Hackney made a motion that the resolution be adopted. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION 362 – A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER. The resume of Mr. Powell was given to the members of the committee. Franklin Freeman, Chief of Staff to Governor Easley, was recognized to speak. He stated that Mr. Powell has been an employee of the State of North Carolina since Governor Scott was governor and has served under successive governors since that time in the State Budget Office. Following Mr. Freeman's recommendation of his appointment, Mr. Powell remarked that he is appreciative of the nomination and thanked the committee for its consideration and support of the nomination. Representative McCombs made a motion that the resolution be given a favorable report, and the motion carried.

There being no further business, the meeting adjourned at 3:40 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE BILL 467

Short Title:	19th House District Local Act-2.	(Local)
Sponsors:	Representative Cox.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 5, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE 19TH HOUSE DISTRICT.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates only to the 19th House District.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 467
PROPOSED COMMITTEE SUBSTITUTE H467-PCS5301-LG-18

Sponsors:

Referred to:

March 5, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Neill McKay Ross was born in Harnett County on December 5, 1908, to Charles Ross and Frances Reid McKay Ross; and

Whereas, Neill Ross attended the Danville Military Institute, Davidson College, the University of North Carolina at Chapel Hill, and the School of Law at the University of North Carolina at Chapel Hill; and

Whereas, Neill Ross practiced law in Harnett County for 68 years; and

Whereas, Neill Ross was respected and admired by the members of the State bar throughout his career; and

Whereas, the District Court Judges of the 11th Judicial District proclaimed March 18, 1996, "Neill McKay Ross Day"; and

Whereas, Neill Ross served with honor and distinction as a member of the North Carolina House of Representatives during the 1939 Session of the General Assembly, becoming the third generation in his family to serve in the legislature; and

Whereas, Neill Ross married Lois Christine Ray on February 23, 1941; and

Whereas, Neill Ross served in the Army during World War II from 1944 to 1946; and

Whereas, Neill Ross served as solicitor of Harnett County Recorder's Court from 1948 to 1957; and

Whereas, Neill Ross was a loyal member of the Democratic Party, serving as chair of the Harnett County Democratic Executive Committee in 1962; and

Whereas, Neill Ross was active in the American Legion serving as an officer and Commander of Post # 28; and

Whereas, Neill Ross was a faithful member of the Summerville Presbyterian Church, serving as an adult Sunday school teacher for 46 years and as a deacon and life-long elder; and

Whereas, Neill Ross died on February 4, 2001; and

Whereas, Neill Ross is survived by his daughters: Victoria Ross Byrd, Lois Ray Ross Johnson, and Margaret Murchison Ross; his sons: Neill McKay Ross, Jr. and James Reid Ross; eleven grandchildren; and a great-grandchild; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Neill McKay Ross and expresses the gratitude and appreciation of this State and its citizens for his life and his devoted service to North Carolina.

SECTION 2. The General Assembly extends its deep and sincere sympathy to the family of Neill McKay Ross.

SECTION 3. The Secretary of State shall transmit a copy of this resolution to the family of Neill McKay Ross.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 467 A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH 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.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 583

Short Title:	Nash County Local Act-1.	(Local)
Sponsors:	Representative Tolson.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 13, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF NASH.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Nash County only.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 583
PROPOSED COMMITTEE SUBSTITUTE H583-CSLC-52 [v.1]

6/22/2001 9:54:06 AM

Short Title: Modify Nash Occupancy Tax. (Local)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Sections 1 and 2 of Chapter 32 of the 1987 Session Laws, as amended by S.L. 1993-545 and S.L. 1997-255, read as rewritten:

"Section 1. Occupancy tax. – (a) Authorization and scope. – The Nash County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Nash County Board of Commissioners may levy an additional room occupancy tax of up to ~~three percent (3%)~~ two percent (2%) of the gross receipts derived from the rental of accommodations taxable under subsection (a). The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this section. Nash County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

(b) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

~~(c)~~(c) Distribution and use of tax revenue. – Nash County shall, on a quarterly basis, remit the net proceeds of the occupancy ~~taxes~~ tax levied under subsection (a) of this section to the Nash Tourism Development ~~Authority, itemized by tax.~~Authority and the net proceeds of the occupancy tax levied under subsection (a1) of this section to the City of Rocky Mount. ~~Of the net proceeds of the tax levied under subsection (a) of this section, the~~ The Authority shall spend at least two-thirds of the funds remitted to it only

to promote travel and tourism in Nash County, and shall spend the remainder on tourism-related expenditures. ~~The Authority shall spend the net proceeds of the tax levied under subsection (a1) of this section only to construct, maintain, operate, or market a convention center.~~The City of Rocky mount shall spend the funds remitted to it only for tourism-related expenditures within Nash County that have been specifically approved in advance by the Nash County Tourism Development Authority. The following definitions apply in this subsection:

(1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.~~seven percent (7%) of the amount collected.~~

(2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in the listed activities.

(3) Tourism-related expenditures. – Expenditures that are designed to increase the use of lodging facilities in a county or to attract tourists or business travelers to the county and expenditures incurred by the county in collecting the tax. The term includes expenditures to construct, maintain, operate, or market a convention center and other expenditures that, in the judgment of the Authority, will facilitate and support tourism.

Sec. 2. Tourism Development Authority. – (a) Appointment and membership. – When the Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the Board of Commissioners to appoint the membership of the Authority, for the terms of office of the members, and for the filling of vacancies on the Authority. ~~The members of the Authority shall be citizens of Nash County.~~ At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county. If the authority has an even number of members, then at least one-half of the members shall have experience in the promotion of travel and tourism. If the Authority has an odd number of members, then at least one less than one-half of the members shall have experience in the promotion of travel and tourism. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair or upon a written request signed by at least one-third of its members and shall adopt rules of procedure to govern

its meetings. The Finance Officer for Nash County shall be the ex officio finance officer of the Authority.

(b) Duties. – The Authority shall promote travel, tourism, and conventions in the county, and shall expend the net tax proceeds distributed to it under this act for the purposes provided in Section 1(c) of this act. ~~sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county, such as the construction of a civic center and utilities.~~

(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Board of County Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the Board may require."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.B. 583 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF NASH.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 1458

Sponsors: Representatives Barefoot; and Goodwin.

Referred to: Rules, Calendar, and Operations of the House.

June 20, 2001

A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH HEWES, WILLIAM HOOPER, AND JOHN PENN, THE SIGNERS OF THE DECLARATION OF INDEPENDENCE FROM NORTH CAROLINA ON THE TWO HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THAT HISTORIC DOCUMENT BY THE SECOND CONTINENTAL CONGRESS.

Whereas, North Carolina elected Richard Caswell, Joseph Hewes, and William Hooper as its delegates to the Second Continental Congress, which convened in Philadelphia, Pennsylvania, on May 10, 1775; and

Whereas, John Penn replaced Richard Caswell in the North Carolina delegation in September 1775; and

Whereas, John Penn, a talented attorney from Granville County, was a tireless member of the Continental Congress, serving longer in that body than any other North Carolinian during America's quest for independence; and

Whereas, John Penn served on fourteen committees and eight standing boards of the Continental Congress; and

Whereas, Joseph Hewes, a respected merchant from Edenton, earned the respect and admiration of his colleagues as one of the most influential members of the Continental Congress; and

Whereas, Joseph Hewes was appointed by the Continental Congress as the secretary of the Naval Board in November 1775, effectively making him the first secretary of the United States Navy; and

Whereas, Joseph Hewes died in 1779 at the age of 49 in Philadelphia while the Continental Congress was in session, and the stunned members of Congress attended his funeral as a body; and

Whereas, William Hooper, a Harvard-educated attorney from Wilmington and Hillsborough, was one of the youngest delegates in the Continental Congress; and

Whereas, William Hooper served on Thomas Jefferson's committee to draft a Declaration of Independence; and

Whereas, William Hooper, Richard Henry Lee, and Patrick Henry were considered the great orators of the Continental Congress; and

Whereas, while they served in the Continental Congress, William Hooper, Joseph Hewes, and John Penn were also members of the Fourth Provincial Congress of North Carolina (the forerunner of the North Carolina General Assembly); and

Whereas, as tensions between the American colonies and Great Britain intensified in the early spring of 1776, Hooper, Hewes, and Penn sent a request from Philadelphia to their colleagues in the Fourth Provincial Congress, then meeting at Halifax, for instructions concerning the direction that North Carolina should take in the growing rift; and

Whereas, the distinguished body at Halifax responded with a Resolution, adopted on April 12, 1776, which read in part: "Resolved, that the delegates of this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independence, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony"; and

Whereas, that Resolution was the most revolutionary official act taken by an American colony to that date, and North Carolina became the first colony to issue an official utterance of independence and request that her sister colonies follow suit; and

Whereas, when Hooper, Hewes, and Penn presented the Resolution to the Continental Congress, its revolutionary language was well received, and the delegates at Philadelphia sent copies home with the request that their constituents "follow this laudable example"; and

Whereas, the defiant acts of Hooper, Hewes, and Penn at Philadelphia and the other statesmen of North Carolina who took a bold stand for a free and independent America bore fruit on July 4, 1776, when the Second Continental Congress approved the Declaration of Independence; and

Whereas, on behalf of North Carolina, William Hooper, Joseph Hewes, and John Penn affixed their signatures to the final draft of the Declaration of Independence on August 2, 1776; and

Whereas, for more than five years thereafter, North Carolinians willingly sacrificed their lives and property to win the independence so declared July 4, 1776, for America and North Carolina; and

Whereas, all North Carolinians are today the beneficiaries of the courage, honor, vision, and determination of William Hooper, Joseph Hewes, and John Penn and the other Revolutionary-era statesmen who forged the State of North Carolina and the United States of America; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives expresses high esteem, regard, and deep appreciation for the lives, accomplishments, and leadership of William Hooper, Joseph Hewes, and John Penn and acknowledges with gratitude the distinguished service they provided to their State and union.

SECTION 2. This resolution is effective upon adoption.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1458 A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH HEWES, WILLIAM HOOPER, AND JOHN PENN, THE SIGNERS OF THE DECLARATION OF INDEPENDENCE FROM NORTH CAROLINA ON THE TWO HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE ADOPTION OF THAT HISTORIC DOCUMENT BY THE SECOND CONTINENTAL CONGRESS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☒ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE JOINT RESOLUTION 362*
Ways & Means Committee Substitute Adopted 6/21/01

Sponsors:

Referred to:

March 7, 2001

A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER.

Whereas, under the provisions of G.S. 143B-426.37, the appointment by the Governor of a person to be State Controller is subject to confirmation by the General Assembly; and

Whereas, the Governor has submitted to the presiding officers of the House of Representatives and the Senate, the name of his appointee Robert L. Powell to be State Controller to serve a term to begin July 1, 2001, and expire June 30, 2008; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. The appointment of Robert L. Powell as State Controller for a term to begin July 1, 2001, and expire June 30, 2008, is confirmed.

SECTION 2. This resolution is effective upon ratification.

Robert L. Powell
Deputy State Budget Officer
Office of State Budget, Planning and Management
116 West Jones Street/Raleigh, North Carolina 27603-8005

Home Address: 7615 Kelmscot Way
Raleigh, North Carolina 27615

Telephone: (919) 733-7061(W)
(919) 846-2843(H)

Education:

Bachelor of Science
Business Administration
Atlantic Christian College (now Barton College)

1976 Federal Executive Institute
Executive Leadership Program
Charlottesville, Virginia

1982 Duke University
Public Managers Program – Summer Session

Work Experience:

Office of State Budget, Planning and Management August 1977 to August 1982
November 1983 to Present

- October, 1991 to Present. Chief Deputy State Budget Officer. Responsible for all aspects of budget development and budget execution. Manage all elements of the office activity from personnel to budget. Report directly to the Governor on all budget and legislative activities while working with executive staff and cabinet to manage the Governor's budget and legislative agenda in the General Assembly. Represent the State on all bond issues as required by rating entities, and to all other national organizations, including other state budget offices and federal agencies. Responsible for all OSBPM budget and planning staff including supervisors, analysts and clerical employees.
- August, 1986 to October, 1991. Budget Administrator. Areas of responsibility include administration of capital budget, work with Council of State and other Commissions, salary control, computer and information systems, statewide budget policy, and office manager for Office of State Budget and Management.
- May, 1978 to August, 1982 – November, 1983 to August, 1986. Budget Analyst II. Duties included budget development and execution of the state's capital improvements budget and special appropriations. Responsibilities included preparation and presentation of the Advisory Budget Commission agenda and conducting the biennial Advisory Budget Commission tours across the state.
- August, 1977 to May, 1978. Budget Analyst I. Duties included budget development and execution for nine higher education institutions of the University of North Carolina. Duties also included program analysis and program evaluation.

North Carolina Citizens for Business and Industry August, 1982 to November 1983

- Director of Fiscal and Economic Affairs. Duties included representing policy issues of the organization at the North Carolina General Assembly; testifying at Committee meetings; staffing the organization's Legislative and Congressional Committees; contributing articles to the North Carolina Magazine; and preparing fiscal and economic analysis on issues of interest to the organization.

Other Experience:

- Capital area soccer league coach, 1982 to 1985.
- National Association of State Budget Officers, 1977 to Present. Served in various executive committee capacities and currently serving as President.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.J.R. 362 A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

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.

VISITOR REGISTRATION SHEET

RULES — Name of Committee

6-26-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
CAROLYN WEST	DSBM
FRANKLIN FREEMAN	DOT
Robert Powell	DENR
Benjamin Gaddis	NC Sierra Club
Matt Brody	CCNC
John Phelps	NCLM
Natalie English	Charlotte Chamber
[illegible]	[illegible]
Jim Mann	NC Home Builders Assn
Henry Jones	Attorney - Raleigh
Willie Riddick	DOT

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JUNE 28, 2001
7:35 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 42 – CONTINUING BUDGET AUTHORITY

SB 217 – EXTEND TIME FOR UNIVERSAL SERVICE FINAL RULES

HJR 1460 – A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY.

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

June 28, 2001

The Committee on Rules, Calendar and Operations of the House met on June 28, 2001 at 7:35 a.m. in Room 421 of the Legislative office Building. The following members were present: Representative Culpepper, Chairman; Allen, Barefoot, Buchanan, Culp, Gibson, Gulley, Hill, Setzer and Yongue.

The following bills were considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 42 – AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATIONS OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF LAW. The chairman stated it is unlikely that the Senate will concur with the House committee substitute for the budget bill, Senate Bill 1005. Therefore, a continuing budget resolution that would allow state government to continue to operate while negotiations are in process for the budget bill is necessary. Gerry Cohen, Director of the Bill Drafting Division, was asked to explain the bill. He stated that the bill basically tracks past continuing resolutions which have been passed in every odd-number year. The chairman stated that the House and Senate staffs worked in conjunction to craft the bill, and Representative Barefoot moved that the bill be given a favorable report. The motion passed.

SENATE BILL 217 – AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE. The chairman stated that the bill had been given a favorable report by the House Public Utilities Committee and was referred to the Rules Committee by the Speaker and to be held until after crossover. Gerry Cohen explained that a bill that was passed in 1999 gave the Utilities Commission until July 1, 2001 to adopt rules regarding universal service. This bill extends the sunset provision until July 1, 2003. Representative Gibson moved that that the bill be given a favorable report, and the motion passed.

HOUSE JOINT RESOLUTION 1460 – A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY. In the absence of Representative Haire, the bill sponsor, the chairman asked if the committee needed any explanation of the resolution, and no request was made. Representative Setzer made a motion that the resolution be given a favorable report, and the motion passed.

There being no further business, the meeting adjourned at 7:50 a.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Legislative Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 42

Appropriations/Base Budget Committee Substitute Adopted 6/26/01
Third Edition Engrossed 6/27/01

Short Title: Continuing Budget Authority. (Public)

Sponsors:

Referred to:

February 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

The General Assembly of North Carolina enacts:

SECTION 1. The Director of the Budget may continue to allocate funds for expenditure for current operations by State departments, institutions, and agencies at a level not to exceed the level of the recurring baseline budget submitted to the General Assembly by the Director of the Budget on March 12, 2001, in the document "The North Carolina State Budget, Summary of Recommendations for 2001-2003". The Director of the Budget shall not allocate funds for any of the purposes set out in the budget reductions contained in Senate Bill 1005, 3rd edition, and Senate Bill 1005, as it passes the House of Representatives, that are not in controversy.

Vacant positions subject to the proposed budget reductions in either Senate Bill 1005, 3rd edition, or Senate Bill 1005, as it passes the House of Representatives, shall not be filled. State employees in positions funded with nonrecurring funds for the 2000-2001 fiscal year shall be given notice of termination as required by law.

To the extent necessary to implement this authorization, there are appropriated from the appropriate State funds and cash balances, federal receipts, and departmental receipts for the 2001-2002 fiscal year funds necessary to carry out this section.

The appropriations and the authorizations to allocate and spend funds, which are set out in this section, shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2001 becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations and Capital Improvements Appropriations Act of 2001 becomes law, the

Director of the Budget shall adjust allocations to give effect to that act from July 1, 2001.

Except as otherwise provided by this act, the limitations and directions for the 2000-2001 fiscal year in S.L. 1999-237 and in S.L. 2000-67 remain in effect. Session laws that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this section.

BLOCK GRANT PROVISIONS

SECTION 2. The Director of the Budget shall continue to allocate federal block grant funds at the levels provided in Sections 5 and 5.1 of S.L. 2000-67 and as otherwise provided by law.

EMPLOYEE SALARIES

SECTION 3. The salary schedules and specific salaries established for the 2000-2001 fiscal year by or under S.L. 2000-67 for offices and positions shall remain in effect until the effective date of the Current Operations and Capital Improvements Appropriations Act of 2001.

Teachers and other employees shall not move up on these salary schedules or receive automatic, annual, performance, merit, or other increments until authorized by the General Assembly.

SALARY-RELATED CONTRIBUTIONS/EMPLOYERS

SECTION 4. Required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of the employees' salaries. If an employee's salary is paid in part from the General Fund or Highway Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions may be paid from the General Fund or Highway Fund only to the extent of the proportionate part paid from the General Fund or Highway Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source that supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical benefits, longevity pay, unemployment compensation, accumulated leave, workers' compensation, severance pay, separation allowances, and applicable disability income benefits.

The State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 2001-2002 fiscal year and the 2002-2003 fiscal year are (i) four and thirty-five hundredths percent (4.35%) - Teachers and State Employees; (ii) nine and thirty-five hundredths percent (9.35%) - State Law Enforcement Officers; (iii) nine and seventy-one hundredths percent (9.71%) - University Employees' Optional Retirement System; (iv) fifteen and sixty-one hundredths percent (15.61%) - Consolidated Judicial Retirement System; and (v) twenty-five and fifty-five hundredths percent (25.55%) - Legislative Retirement

System. Each of the foregoing contribution rates includes two and thirty-five hundredths percent (2.35%) for hospital and medical benefits. The rate for Teachers and State Employees, State Law Enforcement Officers, and for the University Employees' Optional Retirement Program includes fifty-two hundredths percent (0.52%) for the Disability Income Plan. The rates for Teachers and State Employees and State Law Enforcement Officers include sixteen-hundredths percent (0.16%) for the Death Benefits Plan. The rate for State Law Enforcement Officers includes five percent (5%) for Supplemental Retirement Income.

The State's employer contribution rates established by this section are effective only until this section expires. They are subject to revision in the Current Operations and Capital Improvements Appropriations Act of 2001. If the Current Operations and Capital Improvements Appropriations Act of 2001 modifies these rates, the Director of the Budget shall further modify the rates set in that act for the remainder of the 2001-2002 fiscal year so as to compensate for the different amount contributed between July 1, 2001, and the date the Current Operations and Capital Improvements Appropriations Act of 2001 becomes law, so that the effective rates for the entire year reflect the rates set in the Current Operations and Capital Improvements Appropriations Act of 2001.

DISBURSEMENTS TO NONPROFITS

SECTION 5. G.S. 143-26 reads as rewritten:

"**§ 143-26. Director to have discretion as to manner of paying annual appropriations.**

(a) ~~Unless otherwise provided,~~ Except as provided in subsection (b) of this section or as otherwise provided by law, it shall be discretionary with the Director of the Budget whether any annual appropriation shall be paid in monthly, quarterly or semiannual installments or in a single payment.

(b) Except as otherwise provided by law, an annual appropriation of one hundred thousand dollars ($100,000) or less to or for the use of a nonprofit corporation shall be paid in a single annual payment. An annual appropriation of more than one hundred thousand dollars ($100,000) to or for the use of a nonprofit corporation shall be paid in quarterly or monthly installments, in the discretion of the Director of the Budget."

FUNDS SHALL NOT REVERT

SECTION 6.(a) If the provisions of either Senate Bill 1005, 3rd edition, Senate Bill 1005, as it passes the House of Representatives, or both, direct that funds shall not revert, the funds shall not revert on June 30, 2001. Unless these funds are encumbered on or before June 30, 2001, these funds shall not be expended after June 30, 2001, except as provided by a statute that becomes effective after June 30, 2001.

SECTION 6.(b) This section becomes effective June 30, 2001.

STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30

SECTION 7.(a) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3A, for the 2000-2001 fiscal year only, funds shall not be reserved to the Repairs and Renovations Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Repairs and Renovations Reserve Account on June 30, 2001.

SECTION 7.(b) Notwithstanding G.S. 143-15.2 and G.S. 143-15.3, for the 2000-2001 fiscal year only, funds shall not be reserved to the Savings Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Savings Reserve Account on June 30, 2001.

SECTION 7.(c) This section becomes effective June 30, 2001.

EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act becomes effective July 1, 2001. This act expires July 16, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 42 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATIONS OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 217

Short Title:	Extend Time for Universal Service Final Rules.	(Public)
Sponsors:	Senator Hoyle.	
Referred to:	Commerce.	

February 22, 2001

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-110(f1) reads as rewritten:

"(f1) Except as provided in subsection (f2) of this section, the Commission is authorized, following notice and an opportunity for interested parties to be heard, to issue a certificate to any person applying to provide local exchange or exchange access services as a public utility as defined in G.S. 62-3(23)a.6., without regard to whether local telephone service is already being provided in the territory for which the certificate is sought, provided that the person seeking to provide the service makes a satisfactory showing to the Commission that (i) the person is fit, capable, and financially able to render such service; (ii) the service to be provided will reasonably meet the service standards that the Commission may adopt; (iii) the provision of the service will not adversely impact the availability of reasonably affordable local exchange service; (iv) the person, to the extent it may be required to do so by the Commission, will participate in the support of universally available telephone service at affordable rates; and (v) the provision of the service does not otherwise adversely impact the public interest. In its application for certification, the person seeking to provide the service shall set forth with particularity the proposed geographic territory to be served and the types of local exchange and exchange access services to be provided. Except as provided in G.S. 62-133.5(f), any person receiving a certificate under this section shall, until otherwise determined by the Commission, file and maintain with the Commission a complete list of the local exchange and exchange access services to be provided and the prices charged for those services, and shall be subject to such reporting requirements as the Commission may require.

Any certificate issued by the Commission pursuant to this subsection shall not permit the provision of local exchange or exchange access service until July 1, 1996, unless the Commission shall have approved a price regulation plan pursuant to G.S. 62-133.5(a) for a local exchange company with an effective date prior to July 1, 1996. In the event a price regulation plan becomes effective prior to July 1, 1996, the Commission is authorized to permit the provision of local exchange or exchange access service by a competing local provider in the franchised area of such local exchange company.

The Commission is authorized to adopt rules it finds necessary (i) to provide for the reasonable interconnection of facilities between all providers of telecommunications services; (ii) to determine when necessary the rates for such interconnection; (iii) to provide for the reasonable unbundling of essential facilities where technically and economically feasible; (iv) to provide for the transfer of telephone numbers between providers in a manner that is technically and economically reasonable; (v) to provide for the continued development and encouragement of universally available telephone service at reasonably affordable rates; and (vi) to carry out the provisions of this subsection in a manner consistent with the public interest, which will include a consideration of whether and to what extent resale should be permitted.

Local exchange companies and competing local providers shall negotiate the rates for local interconnection. In the event that the parties are unable to agree within 90 days of a bona fide request for interconnection on appropriate rates for interconnection, either party may petition the Commission for determination of the appropriate rates for interconnection. The Commission shall determine the appropriate rates for interconnection within 180 days from the filing of the petition.

Each local exchange company shall be the universal service provider in the area in which it is certificated to operate on July 1, 1995, until otherwise determined by the Commission. In continuing this State's commitment to universal service, the Commission shall, by December 31, 1996, adopt interim rules that designate the person that should be the universal service provider and to determine whether universal service should be funded through interconnection rates or through some other funding mechanism. By ~~July 1, 2001,~~July 1, 2003, the Commission shall complete an investigation and adopt final rules concerning the provision of universal services, the person that should be the universal service provider, and whether universal service should be funded through interconnection rates or through some other funding mechanism.

The Commission shall make the determination required pursuant to this subsection in a manner that furthers this State's policy favoring universally available telephone service at reasonable rates."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 217 A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

HOUSE JOINT RESOLUTION 1460

Sponsors: Representative Haire.

Referred to: Rules, Calendar, and Operations of the House.

June 27, 2001

A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY.

Whereas, Jackson County was formed from portions of Haywood County and Macon County at the petition of its residents and following a memorial presented to the General Assembly by Representative Robert G.A. Love on December 10, 1850; and

Whereas, the General Assembly ratified the act to establish a new county named in honor of President Andrew Jackson on January 29, 1851; and

Whereas, the commissioners, as named in the Act of 1851, were William H. Bryson, Elihu Coward, Charles Bumgarner, William Tathem, Wesley W. Enloe, William R. Crawford, and Mark Coleman; and

Whereas, the people of Jackson County have had the privilege to count among its citizens, Dr. John R. Brinkley, Congressman David Hall, industrialist C.J. Harris, State Senator Gertrude Dills McKee, educator Robert L. Madison, Governor Dan K. Moore, Judge Walter Moore, journalist John Parris, Judge Lacy Thornburg, and State Senator William H. Thomas; and

Whereas, the county is noted for the diversity of its people, being home to members of the Eastern Band of Cherokee Indians, African-Americans, Hispanics, Scots-Irish, German, English descendants, and other people representing a national and global heritage; and

Whereas, the people of Jackson County have always demonstrated a willingness and desire to serve in the country's defense, whether during peacetime or in times of conflict, and witnessed many of its sons and daughters give their lives to protect and defend the nation; and

Whereas, the county has a long history of educational development, including support by the citizenry of a system of public schools, of Southwestern Community College, and of Western Carolina University, the latter of which is now in the 112th year of its operation; and

Whereas, the people of the county have supported a regional hospital and sought to address health concerns; and

Whereas, Jackson County was possessed with natural resources and an industrious population that supported farming, lumber and paper industries, tree farming, mining, textile mills, and tourism; and

Whereas, Jackson County has been blessed with natural beauty, which has provided for tourism as well as the enjoyment of the county's residents; and

Whereas, the people of the county have sought to preserve the culture of the mountains through music, literature, art, history, and celebrations; and

Whereas, the citizens of Jackson County wish to honor the generations of the past who built the county, as well as the present generation which endeavors to continue the work to "secure the blessings of liberty to ourselves and our posterity"; and

Whereas, the people of Jackson County wish to celebrate and share their rich historical heritage, cultural diversity, and natural beauty; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly wishes to honor the founders of the County of Jackson and extends its sincere congratulations and best wishes to the County of Jackson upon the County's sesquicentennial anniversary.

SECTION 2. The Secretary of State shall transmit a certified copy of this resolution to the county commissioners of the County of Jackson.

SECTION 3. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 1460 A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

6-28-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Eggin	Kennedy Covington
John Rustin	NCFPC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JULY 10, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 270 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER

HJR 833 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS

HB 1171 – JUDICIAL PUBLIC FINANCING

HJR 1461 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

HJR 1455 – A HOUSE RESOLUTION HONORING THE MEMORY OF CIVIL WAR VETERANS IRA T. HARDISOON AND JOHN F. MCNAIR, AND OTHERS BURIED IN THE WINDLEY CEMETERY AND COMMENDING THE EFFORTS OF THE WINDLEY CEMETERY PERPETUAL CARE ASSOCIATION, INC., AND THE PLYMOUTH COMMUNITY IN RESTORING AND PRESERVING THAT CEMETERY

HJR 35 – A JOINT RESOLUTION FAVORING ROTATING REGIONAL PRESIDENTIAL PRIMARIES

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

July 10, 2001

The Committee on Rules, Calendar and Operations of the House met on July 10, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Barefoot, Barnhart, Culp, Gulley, Justus, McMahan, Setzer, Sherrill and Yongue.

The following bills were considered:

HOUSE JOINT RESOLUTION 270 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER. Representative Johnson, a principal sponsor of the resolution, related the racing accomplishments of the late Dale Earnhardt and asked for support of the resolution. Representative Setzer moved for a favorable report, which motion passed.

HOUSE JOINT RESOLUTION 833 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS. Representative McLawhorn, sponsor of the resolution was recognized to speak on the resolution. She explained that professors at East Carolina had requested the resolution honoring John Lawson who was an explorer, surveyor general of the Lords Proprietors in North Carolina, and author, in the 1700's, She stated that a symposium in October of this year will be conducted by archeologists, historians and environmentalists and will retrace the trail that John Lawson took from Charles Town, South Carolina, to the town of Bath, North Carolina, which he founded. He also selected the site and street design of the Town of New Bern, North Carolina. Following Representative McLawhorn's presentation, Representative Barefoot moved for a favorable report, which motion passed.

HOUSE BILL 1171 – AN ACT TO ESTABLISH A SYSTEM OF PUBLIC FINANCING OF CAMPAIGNS FOR APPELLATE JUDGES. A proposed committee substitute changing the title to AN ACT TO LOWER CONTRIBUTION LIMITS FOR CANDIDATES FOR THE STATE COURT OF APPEALS AND THE STATE SUPREME COURT AND TO PROVIDE AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS was offered. Representative Yongue moved that the proposed committee substitute be adopted for the purpose of discussion, which was so ordered. The chairman stated that the bill was before the committee for procedural purposes and would not be voted on the bill substantively. Representative Goodwin, sponsor, was recognized to explain the bill. He stated that there is probably more scrutiny of campaigns of judicial candidates than of any other candidates, and the proposed committee substitute provides an optional voluntary process of public financing campaigns for Court of Appeals and North Carolina Supreme Court races without use of tax dollars. Following his explanation, Representative Yongue made a motion that the

proposed committee substitute be reported without prejudice and be re-referred to the Committee of Election Law and Campaign Finance Reform, unfavorable as to the original bill. The motion carried.

HOUSE JOINT RESOLUTION 1461 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, FORMER MEMBER OF THE GENERAL ASSEMBLY. A proposed committee substituted was offered, and Representative Sherrill moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, the chairman so ordered. The chairman announced that the Speaker introduced the resolution. Representative Sherrill made a motion that the proposed committee substitute be given a favorable report, unfavorable as to the original resolution. The motion carried.

HOUSE RESOLUTION 1455 – A HOUSE RESOLUTION HONORING THE MEMORY OF CIVIL WAR VETERANS IRA T. HARDISON AND JOHN F. MCNAIR, AND OTHERS BURIED IN THE WINDLEY CEMETERY AND COMMENDING THE EFFORTS OF THE WINDLEY CEMETERY PERPETUAL CARE ASSOCIATION, INC., AND THE PLYMOUTH COMMUNITY IN RESTORING AND PRESERVING THAT CEMETERY. Representative Rogers, sponsor, was recognized to speak on the resolution. He stated that the resolution honors the memory of Ira T. Hardison and John F. McNair, who are buried in Windley Cemetery in Plymouth, North Carolina, and an association comprised of a group of citizens who have restored the cemetery. Representative Barefoot moved that the resolution be adopted, and the motion carried.

HOUSE JOINT RESOLUTION 35 –A JOINT RESOLUTION FAVORING ROTATING REGIONAL PRESIDENTIAL PRIMARIES. A proposed committee substitute changing the joint resolution into a simple resolution was offered. Representative Justus moved for adoption of the proposed committee substitute for the purpose of discussion. Without objection, the chairman so ordered. Representative Goodwin, sponsor, was recognized to explain the resolution. He stated that the resolution comes as a result of correspondence from and meetings with Secretary of State Marshall who would like to have guidance as to how the House of Representatives feels about the issue of rotating regional presidential primaries. The committee substitute proposes that the House of Representatives favors rotating regional presidential primaries beginning with the 2004 presidential election. He stated that every state would have a chance to be the first state in the nation to hold a presidential primary, after New Hampshire and Iowa. It is his opinion that this is fair to the candidates, to the voters and to the parties, but, more importantly, fair for the process we have in our democracy of nominating and selecting presidential candidates. No action was taken on the resolution.

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 2001

H 1

HOUSE JOINT RESOLUTION 270

Sponsors:	Representatives Johnson, Barnhart; Barbee, Coates, Cox, Goodwin, Hensley, Hilton, Hurley, Luebke, McCombs, and Sexton.
Referred to:	Rules, Calendar, and Operations of the House.

February 27, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER.

Whereas, Ralph Dale Earnhardt was born on April 29, 1951, on a farm in Kannapolis, North Carolina; and

Whereas, the son of a NASCAR driver Ralph Earnhardt, Dale Earnhardt developed a passion for stock car racing at an early age; and

Whereas, Dale Earnhardt began competing in local stock car races as a teenager, eventually competing on the Winston Cup circuit; and

Whereas, in 1975, Dale Earnhardt entered his first Winston Cup race at the Charlotte Motor Speedway; and

Whereas, in 1979, Dale Earnhardt won his first Winston Cup race at the Bristol Motor Speedway in Bristol, Tennessee, and later that year was named Rookie of the Year; and

Whereas, in 1980, Dale Earnhardt clinched the NASCAR Winston Cup championship, making him the first driver to win Rookie of the Year and the Winston Cup championship in successive seasons; and

Whereas, in 1984, Dale Earnhardt began driving for Richard Childress, and together they formed a formidable team achieving tremendous success on the racetrack; and

Whereas, Dale Earnhardt won NASCAR championships in 1986, 1987, 1990, 1991, 1993, and 1994, tying Richard Petty's impressive record for the most championships won in a single career of stock car racing; and

Whereas, during his career, Dale Earnhardt won 34 races at the Daytona track, the most of any driver in history, including the Daytona 500 in 1998; and

Whereas, Dale Earnhardt was the first three-time winner of the Winston Select and won three International Race of Champions (IROC) series championships; and

Whereas, in 1998, on the 50th anniversary of NASCAR, Dale Earnhardt was named one of the sport's 50 greatest drivers; and

Whereas, Dale Earnhardt was nicknamed "The Intimidator" because of his aggressive and keen driving abilities; and

Whereas, Dale Earnhardt also found success as a businessman, including his ownership in other racing teams and as a farmer in Mooresville, North Carolina, and

Whereas, Dale Earnhardt died on February 18, 2001; and

Whereas, Dale Earnhardt is survived by his wife, Teresa Earnhardt; his children, Dale, Jr., Kerry, Kelly, and Taylor; his mother, Martha; and several siblings; and

Whereas, Dale Earnhardt was loved and admired by people from all around the world and will be greatly missed both on and off the racetrack; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Dale Earnhardt and expresses the gratitude and appreciation of this State and its citizens for his life and accomplishments.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Dale Earnhardt for the loss of a beloved family man and true friend.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Dale Earnhardt.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 270 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 833

Sponsors:	Representatives McLawhorn; Allen, Barefoot, Bonner, Edwards, Hill, Lucas, Luebke, Rogers, Underhill, Wainwright, Warren, Weiss, and Yongue.
Referred to:	Rules, Calendar, and Operations of the House.

March 28, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS.

Whereas, John Lawson, explorer, surveyor general for the Lords Proprietors, and author, departed from Charles Town on December 28, 1700, on a 57-day 550-mile exploration of the backcountry of the two Carolinas, arriving at the Pamlico River near Bath on February 24, 1701; and

Whereas, John Lawson's observations during the 11 years he resided in the Carolinas contributed significantly to our understanding of the land, resources, natural history, native people, and their customs, crops, and culture; and

Whereas, John Lawson laid off and established the Town of Bath, the first town incorporated in North Carolina; and

Whereas, John Lawson was clerk of the court and public register of Bath County as well as the official surveyor for the Lords Proprietors; and

Whereas, John Lawson conferred with Baron Christoph von Graffenried before the Baron decided to locate his colony in North Carolina; and

Whereas, John Lawson was commissioned by Baron Christoph von Graffenried to locate a site for a colony; and

Whereas, John Lawson selected a site for the new town at the confluence of the Neuse and Trent Rivers, to be known as New Bern; and

Whereas, John Lawson's findings gathered on his 1701 trek through the Carolinas brought about interest in the North Carolina colony; and

Whereas, John Lawson's findings, keen observations, and descriptions based on his exploration were ultimately published in "A New Voyage to Carolina" in 1709, which is now recognized as a classic of early American literature; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of John Lawson and calls upon all North Carolinians to observe, celebrate, and participate in events commemorating the tercentenary of John Lawson's trek through the Carolinas while recognizing the unique importance of this individual to the history of the State and nation.

SECTION 2. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 833 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE BILL 1171

Short Title:	Judicial Public Financing.	(Public)
Sponsors:	Representative Goodwin.	
Referred to:	Rules, Calendar, and Operations of the House.	

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SYSTEM OF PUBLIC FINANCING OF CAMPAIGNS FOR APPELLATE JUDGES.

The General Assembly of North Carolina enacts:

SECTION 1. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 1171
PROPOSED COMMITTEE SUBSTITUTE H1171-CSRR-36 [v.20]

7/9/2001 6:50:20 PM

Short Title: Judicial Election Reform. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO LOWER CONTRIBUTION LIMITS FOR CANDIDATES FOR THE STATE COURT OF APPEALS AND THE STATE SUPREME COURT AND TO PROVIDE AN ALTERNATIVE MEANS OF FINANCING THEIR CAMPAIGNS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 163 of the General Statutes is amended to add a new Article to read:

"**ARTICLE 22E.**

"**The Impartial Justice Act.**

"**§ 163-278.68. Purpose of the Impartial Justice Act.**

This Article may be referred to as the Impartial Justice Act. The purpose of this Article is to protect the constitutional rights of voters and candidates from the detrimental effects of the increasingly large amounts of money being raised and spent in North Carolina to influence the outcome of statewide judicial elections. It is essential for the integrity of both the judicial process and the election process that the potential for corruption or the appearance of corruption be minimized. Accordingly, this Article establishes the North Carolina Democracy Trust Fund as an alternative source of campaign financing for candidates who voluntarily accept strict fund-raising and spending limits in their campaigns for election to the North Carolina Court of Appeals or North Carolina Supreme Court. The Democracy Trust Fund will provide full funding for the general election campaign of candidates who abide by the provisions of this Act.

"**§ 163-278.69. Definitions.**

When used in this Article:

(1) 'Board' means the State Board of Elections.

(2) For purposes of calculating amounts certified candidates receive, the term 'campaign expenditure' shall not include loan payments, refunds, or contributions made by candidates to other candidates, political committees, referendum committees, or political parties.

(3) 'Certified candidate' means a candidate running for office who chooses to receive campaign funds in accordance with the Impartial Justice Act and who is certified under G.S. 163-278.71(e).

(4) 'Contested primary election' and 'contested general election' mean elections in which there are more candidates than the number to be elected.

(5) 'Candidate' means any individual who becomes a candidate as described in G.S. 163-278.6(3) and also means a political committee organized by the candidate or the candidate's supporters for that candidate's election.

(6) 'Contribution,' 'expenditure,' 'independent expenditure,' 'political committee,' and 'referendum committee' have the same meaning as defined in G.S. 163-278.6.

(7) 'Fund' means the North Carolina Democracy Trust Fund established in G.S. 163-278.70.

(8) 'Minimum qualifying contributions' means an amount of qualifying contributions equal to seven times the filing fee for candidacy for the office as set forth in G.S. 163-107.

(9) 'Maximum qualifying contributions' means an amount of qualifying contributions equal to fifty times the filing fee for candidacy for the office as set forth in G.S. 163-107.

(10) 'Nonparticipating candidate' means a candidate running for a seat on the North Carolina Court of Appeals or North Carolina Supreme Court who does not choose to receive campaign funds under the Impartial Justice Act and who is not seeking to be certified under G.S. 163-278.71(e).

(11) 'Office' means a position on the North Carolina Court of Appeals or North Carolina Supreme Court.

(12) 'Participating candidate' means a candidate who is running for office who is seeking to be certified as a candidate under G.S. 163-278.71(e).

(13) 'Qualifying contribution' means a donation of not more than one-hundred dollars ($100.00) in the form of a check or money order to the candidate or the candidate's campaign committee:

a. Made by any registered voter in this State;

b. Made during the designated qualifying period and obtained with the approval of the candidate or candidate's campaign committee, in accordance with the provisions of the North Carolina Code of Judicial Conduct; and

c. Acknowledged by a written receipt, on a multi-copy form provided by the Board, that identifies the complete name, residence address and county of residence of the contributor and the amount and date of the contribution made; states that the

contributor is a registered voter of this State; states that the contributor authorizes the candidate to use the contribution to qualify to receive campaign funds from the Fund; and is signed by the contributor and the candidate or the candidate's representative.

(14) 'Qualifying period' means:

a. For participating candidates affiliated with political parties on the North Carolina ballot, the period beginning 90 days before the first Monday in February and ending 10 days after the primary election.

b. For unaffiliated participating candidates and for participating candidates affiliated with political parties seeking ballot recognition, the period beginning 90 days before the first Monday in February and ending on the last Friday in June.

(15) 'Trigger for rescue funds' means the dollar amount at which rescue funds are released for certified candidates in contested elections. In the case of a contested primary election, the trigger equals the maximum qualifying contributions for participating candidates. In the case of a contested general election, the trigger equals the base level of funding available under G.S. 163-278.72(b)(4).

"**§ 163-278.70. North Carolina Democracy Trust Fund established; sources of funding.**

(a) Establishment of Fund. – The North Carolina Democracy Trust Fund is established to finance the election campaigns of certified candidates for office and to pay the administrative and enforcement costs of the Board related to this Article. The Fund is a special, dedicated, non-lapsing, non-reverting fund. Any interest generated by the Fund shall be credited to the Fund. The Board shall administer the Fund.

(b) Sources of Funding. – Money received from the following sources shall be deposited in the Fund:

(1) A portion of the annual license fee paid by attorneys under G.S. 105-41 equal to fifty dollars ($50) per license;

(2) Voluntary donations made directly to the Democracy Trust Fund; and

(3) Unspent Democracy Trust Fund revenues distributed to any certified candidate who does not remain a certified candidate until the election for which they were distributed, or Democracy Trust Fund revenues that remain unspent by a candidate following the date of the election for which they were distributed.

(c) Determination of Fund Amount. – By April 1, 2003, and every two years thereafter, the Board shall prepare and provide to the Joint Legislative Commission on Governmental Operations of the General Assembly a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of the Impartial Justice Act. In its report, the Board shall set out the funds

received to date and the expected revenues and expenses of the Fund during the next election cycle.

"**§ 163-278.71. Requirements for participation.**

(a) Declaration of Intent. – Any individual choosing to receive campaign funds from the Fund shall first file with the Board a declaration of intent to participate in the Impartial Justice Act as a candidate for a stated office. The declaration of intent shall be filed with the Board prior to or during the qualifying period, according to forms and procedures adopted by the Board. The candidate shall file a declaration of intent before collecting any qualifying contributions under this Article. A candidate who files a declaration of intent shall swear or affirm that the candidate has complied with and will continue to comply with the Impartial Justice Act contribution and expenditure limits and will comply with all other requirements set forth in this Article or promulgated by the Board.

(b) Range of Qualifying Contributions. – In order to receive any campaign funds from the Fund, participating candidates shall first obtain the minimum qualifying contributions described in G.S. 163-278.69(8) but shall not raise or spend an amount that exceeds the maximum qualifying contributions.

(c) Spending Limit. – A participating candidate in a contested primary shall agree not to raise or spend more than the maximum qualifying contributions during the qualifying period, except as provided in G.S. 163-278.74. The candidate shall promptly return any excess qualifying contributions obtained to the original donor or turn them over to the Board for deposit into the Fund in accordance with procedures adopted by the Board.

(d) Filing With the Board. – No later than five business days after the end of the qualifying period, all participating candidates shall submit a report to the Board of all previously unreported qualifying contributions, together with copies of the signed contribution forms described in G.S. 163-278.69(13)c., in accordance with procedures adopted by the Board. Within five business days after receipt of the final report, the Board shall determine, through a random audit or other means it adopts, whether the contributions comply with the definition of qualifying contributions, whether they must be returned to the donor, and whether they exceed the maximum amount of qualifying contributions.

(e) Certification of Candidates. – Upon receipt of a submittal of the record of qualifying contributions by a participating candidate, the Board shall determine whether or not the candidate has:

(1) Signed and filed a declaration of intent to participate in this Article;

(2) Submitted copies of the forms described in G.S. 163-278.69(13)c. signed by contributors who are registered voters, which the Board shall verify through a random sample or other means it adopts;

(3) Met the requirement for the minimum and maximum qualifying contributions to be raised;

(4) Complied with expenditure restrictions;

(5) Qualified as a candidate under G.S. 163-106, 163-98, 163-122, 163-123, or 163-114; and

(6) Otherwise met the requirements for participation in this Article.

The Board shall certify candidates complying with the requirements of this section as soon as possible and no later than five business days after receipt of qualifying contributions.

(f) Restrictions on Contributions and Expenditures for Participating and Certified Candidates. – After filing a declaration of intent, a candidate shall limit campaign expenditures and debts to the qualifying contributions and the money distributed to the candidate from the Fund. For accounting purposes, all qualifying contributions shall be spent before the candidate spends money received from the Fund. A candidate shall return to the Fund any amount distributed for an election that is unspent and uncommitted at the date of the election, or at the time the individual ceases to be a certified candidate, whichever occurs earlier.

Notwithstanding the previous paragraph, the candidate may spend that candidate's own funds or those of that candidate's spouse, parents, brothers, and sisters, in any amount up to an aggregate total of one thousand dollars ($1,000). In addition, a certified candidate may accept in-kind contributions from political party executive committees, up to an aggregate value of ten percent (10%) of the amount a candidate is eligible to receive from the Fund as determined under G.S. 163-278.72(b)(4).

With regard to all the revenues raised as permitted by this subsection, a participating or certified candidate or that candidate's committee shall limit the use of those revenues to expenditures for campaign-related purposes only. The Board shall publish guidelines outlining permissible campaign-related expenditures.

Any contribution received by a participating or certified candidate that falls outside that permitted by this subsection shall be returned to the donor as soon as practicable. Contributions knowingly made, solicited, or accepted in violation of this Article are subject to civil penalties as specified in G.S. 163-278.78. The funds involved shall be forfeited to the Civil Penalty and Forfeiture Fund.

"**§ 163-278.72. Distribution from the Fund.**

(a) Timing of Fund Distribution. – The Board shall distribute to certified candidates revenues from the Fund in amounts determined under subsection (b) of this section within the earlier of the following:

(1) Three business days after the end of the qualifying period for a certified candidate whose name is approved to appear on the ballot in a contested general election.

(2) Three business days after the certified candidate faces an opposition candidate whose name is approved to appear on the ballot in a general election pursuant to G.S. 163-122, 163-123, or 163-98. No funds are distributed for uncontested general elections.

(b) Amount of Fund Distribution. – By August 1, 2003, and no less frequently than every two years thereafter, the Board shall determine the amount of funds, rounded

to the nearest one hundred dollars ($100.00), to be distributed to certified candidates as follows:

(1) Uncontested Primary Elections. – No funds shall be distributed.

(2) Contested Primary Elections. – No funds shall be distributed except as provided in G.S. 163-278.74.

(3) Uncontested General Elections. – No funds shall be distributed.

(4) Contested General Elections. – Funds shall be distributed to a certified candidate for a position on the Court of Appeals in an amount equal to 75 times the candidate's filing fee as set forth in G.S. 163-107. Funds shall be distributed to a certified candidate for a position on the Supreme Court in an amount equal to 150 times the candidate's filing fee as set forth in G.S. 163-107.

(c) Method of Fund Distribution. -- The State Treasurer shall cooperate with the Board to develop a rapid, reliable method of conveying funds to certified candidates. In all cases, the Board shall distribute funds to certified candidates in a manner that is expeditious, ensures accountability, and safeguards the integrity of the Fund.

"**§ 163-278.73. Reporting requirements.**

(a) Reporting by Noncertified Candidates and Independent Expenditure Entities. –Any noncertified candidate with a certified opponent shall report total income, expenses, and obligations to the Board by facsimile machine or electronically within 24 hours after the total amount of campaign expenditures or obligations made, or funds raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds. Any entity making independent expenditures in excess of one hundred dollars ($100.00) in support of or opposition to a certified candidate shall report the total funds received, spent, or obligated for those expenditures to the Board by facsimile machine or electronically within 24 hours after the total amount of expenditures or obligations made, or funds raised or borrowed, for the purpose of making the independent expenditures, exceeds fifty percent (50%) of the trigger for rescue funds. After this 24-hour filing, the noncertified candidate or independent expenditure entity shall comply with an expedited reporting schedule. The schedule and forms for reports required by this subsection shall be made according to procedures adopted by the Board.

(b) Reporting by Participating and Certified Candidates. – Notwithstanding other provisions of law, participating and certified candidates shall report any money collected, all campaign expenditures, obligations, and related activities to the Board according to procedures adopted by the Board. A certified candidate who ceases to be certified or ceases to be a candidate or who loses an election shall file a final report with the Board and return any unspent revenues received from the Fund. In developing those procedures, the Board shall utilize existing campaign reporting procedures whenever practical.

(c) Timely Access to Reports. -- The Board shall ensure prompt public access to the reports received in accordance with this Article. The Board may utilize electronic means for reporting and storing information.

"**§ 163-278.74. Rescue Funds.**

(a) When Rescue Funds Become Available. -- When any report or group of reports shows that 'funds in opposition to a certified candidate or in support of an opponent to that candidate' as described in this section, exceed the trigger for rescue funds as defined in G.S. 163-278.69(15), the Board shall issue immediately to that certified candidate an additional amount equal to the reported excess within the limits set forth in this section. 'Funds in opposition to a certified candidate or in support of an opponent to that candidate' shall be equal to the sum of the campaign expenditures or obligations made, or funds raised or borrowed, whichever is greater, reported by any uncertified opponent of a certified candidate, plus the expenditures reported in accordance with G.S. 163-278.73 of entities making independent expenditures in opposition to the certified candidate or in support of any opponent of that certified candidate.

(b) Limit on Rescue Funds in Contested Primary. -- Total rescue funds to a certified candidate in a contested primary election shall be limited to an amount equal to two times the maximum qualifying contributions for the office sought.

(c) Limit on Rescue Funds in Contested General Election. -- Total rescue funds to a certified candidate in a contested general election shall be limited to an amount equal to two times the amount described in G.S. 163-278.72(b)(4).

"**§ 163-278.75. Enforcement by the Board.**

(a) Enforcement by the Board. – The Board, with the advice of the Democracy Trust Fund Advisory Council, shall administer the provisions of this Article.

(b) Democracy Trust Fund Advisory Council. – There is established under the State Board of Elections the Democracy Trust Fund Advisory Council to advise the Board on the rules and opinions it adopts to enforce and administer this Article and on the funding needs of the Fund. The Democracy Trust Fund Advisory Council shall consist of five members to be appointed by the Governor. The Governor in making the appointments shall take into consideration recommendations made by the public, the Judicial Conduct Review Board, and other organizations. No person shall be eligible to be a member of the Council who would be ineligible to serve on a county board of elections in accordance with G.S. 163-30. The initial members shall be appointed by September 1, 2002. Of the initial appointees, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and one shall be appointed for a three-year term according to random lot. Thereafter, appointees are appointed to serve four-year terms. A person shall not serve more than two full terms. The members shall receive the legislative per diem set forth in G.S. 120-3.1. One of the Council members shall be elected by the members as Chair. A vacancy during an unexpired term shall be filled in the same manner as the regular appointment for that term, but a vacancy appointment shall be only for the unexpired portion of the term.

(c) Appeals. – The initial decision on an issue concerning qualification, certification, or distribution under this Article shall be made by the Executive Secretary-Director of the Board. The procedure for appealing that decision shall be as follows:

(1) A person aggrieved by a decision by the Executive Secretary-Director of the Board may appeal to the full Board within three business days of the decision. The appeal shall be in writing and shall set forth the reasons for the appeal.

(2) Within five business days after an appeal is properly made, and after due notice is given to the parties, the Board shall hold a hearing. The appellant has the burden of providing evidence to demonstrate that the Board's decision was improper. The Board shall rule on the appeal within three business days after the completion of the hearing.

"**§ 163-278.76. Board to adopt rules.**

The Board shall adopt rules to ensure effective administration of this Article. Such rules shall include, but not be limited to, procedures for obtaining qualifying contributions, certifying a Democracy Trust Fund candidate, addressing circumstances involving second primaries, special elections, vacancies, recounts, withdrawals, or replacements, collection of revenues for the Fund, distribution of Fund revenue to certified candidates, return of unspent Fund disbursements, and compliance with the Impartial Justice Act. The Board shall evaluate qualification thresholds and funding formula for candidates and report those evaluations to the General Assembly by April 1, 2003 and every two years thereafter. For races involving second primaries, special elections, recounts, vacancies, withdrawals, or replacement candidates, the Board shall establish procedures for qualification, certification, disbursement of Fund revenues, and return of unspent Fund revenues. The Board shall fulfill each of these duties in consultation with the Democracy Trust Advisory Council.

"**§ 163-278.77. Voter Education.**

The Board shall publish and distribute a Judicial Voter Guide. The Guide shall include statements from the Board explaining the function of the appellate courts and the laws concerning their election, explaining the purpose and workings of the Impartial Justice Act, and explaining the laws of voter registration. The Guide shall also include information concerning all candidates for the Supreme Court and the Court of Appeals, as provided by those candidates according to a format provided to the candidates by the Board. The Board shall request information for the Guide from each candidate according to the following format:

(1) Place of residence.

(2) Education.

(3) Occupation.

(4) Employer.

(5) Date admitted to the bar.

(6) Legal/judicial experience.

(7) Candidate statement, limited to 100 words. Concerning that statement, the Board shall send to the candidates instructions as follows: `Your statement may include information such as your qualifications, your endorsements, your ratings, why you are seeking judicial office, why

you would make a good judge, what distinguishes you from your opponent(s), and any other information relevant to your candidacy. We will correct incidental errors of spelling, grammar, and punctuation which might prejudice the candidate's statement unfairly or confuse voters. We will make no changes to the content of any statement which would alter the meaning or substance of the statement. The State Board of Elections will reject any portion of any statement which it determines contains obscene, profane, or defamatory language.'

The Board shall prominently identify each certified candidate in the Guide as a candidate who has become certified under the Impartial Justice Act.

The Board shall distribute the Guide to all voters in the State no more than 21 days nor less than seven days before the general election. The Board shall distribute the Guide as a newspaper supplement or through the mail, or through any means it finds effective and practical. To distribute the Guide, the Board shall use monies from the Fund as long as sufficient monies remain to provide all certified candidates with the maximum funding they are eligible to receive.

"**§ 163-278.78. Civil penalty.**

In addition to any other penalties that may be applicable, any individual, political committee, or other entity that violates any provision of this Article is subject to a civil penalty of up to ten thousand dollars ($10,000) per violation. In addition to any fine, for good cause shown, a candidate found in violation of this Article may be required to return to the Fund all amounts distributed to the candidate from the Fund. If the Board makes a determination that a violation of this Article has occurred, the Board shall calculate and assess the amount of the civil penalty and shall notify the entity that is assessed the civil penalty of the amount that has been assessed. The Board shall then proceed in the manner prescribed in G.S. 163-278.34. In determining whether or not a candidate is in violation of the expenditure limits of this Article, the Board may consider as a mitigating factor any circumstances out of the candidate's control."

SECTION 2. G.S. 163-278.13 is amended by adding a new subsection to read:

"(e2) In order to make meaningful the provisions of the Impartial Justice Act, as set forth in Article 22E of this Chapter, no candidate for North Carolina Court of Appeals or North Carolina Supreme Court shall accept, and no contributor shall make to such a candidate, a contribution during the period beginning 21 days before the day of the general election and ending the day after the general election. Nothing in this subsection shall prohibit a candidate from making a contribution or loan secured entirely by that candidate's assets to that candidate's own campaign. As used in this subsection, `candidate' is also a political committee organized by the candidate or the candidate's supporters for that candidate's election. This subsection applies with respect to a candidate opposed in the general election by a certified candidate as defined in Article 22E of this Chapter who has not received the maximum rescue funds available under G.S. 163-278.74. The recipient of a contribution that apparently violates this subsection

has three days to return the contribution or file a detailed statement with the State Board of Elections explaining why the contribution does not violate this subsection."

SECTION 3. G.S. 163-278.13 is amended by adding a new section to read:

"(e3) No candidate for justice of the Supreme Court or judge of the Court of Appeals shall accept a contribution in any election exceeding five hundred dollars ($500.00) from any individual, political committee, or other entity. As used in this subsection, `candidate' is also a political committee organized by the candidate or the candidate's supporters for that candidate's election. No individual, political committee, or other entity shall make a contribution in any election exceeding five hundred dollars ($500.00) to a candidate for justice of the Supreme Court or judge of the Court of Appeals. The exception for family members in subsection (c) of this section applies to this subsection."

SECTION 4. G.S. 105-41 reads as rewritten:

"§ 105-41. Attorneys-at-law and other professionals.

(a) Every individual in this State who practices a profession or engages in a business and is included in the list below must obtain from the Secretary a statewide license for the privilege of practicing the profession or engaging in the business. A license required by this section is not transferable to another person. The tax for each license is fifty dollars ($50.00).

(1) An attorney-at-law. An attorney-at-law shall pay an additional fifty dollars ($50.00) to provide funding for the North Carolina Democracy Trust Fund established by Article 22E of Chapter 163 of the General Statutes.

(2) A physician, a veterinarian, a surgeon, an osteopath, a chiropractor, a chiropodist, a dentist, an ophthalmologist, an optician, an optometrist, or another person who practices a professional art of healing.

(3) A professional engineer, as defined in G.S. 89C-3.

(4) A registered land surveyor, as defined in G.S. 89C-3.

(5) An architect.

(6) A landscape architect.

(7) A photographer, a canvasser for any photographer, or an agent of a photographer in transmitting photographs to be copied, enlarged, or colored.

(8) A real estate broker or a real estate salesman, as defined in G.S. 93A-2. A real estate broker or a real estate salesman who is also a real estate appraiser is required to obtain only one license under this section to cover both activities.

(9) A real estate appraiser, as defined in G.S. 93E-1-4. A real estate appraiser who is also a real estate broker or a real estate salesman is required to obtain only one license under this section to cover both activities.

(10) A person who solicits or negotiates loans on real estate as agent for another for a commission, brokerage, or other compensation.

(11) A mortician or embalmer licensed under G.S. 90-210.25.

(b) The following persons are exempt from the tax:

(1) A person who is at least 75 years old.

(2) A person practicing the professional art of healing for a fee or reward, if the person is an adherent of an established church or religious organization and confines the healing practice to prayer or spiritual means.

(3) A blind person engaging in a trade or profession as a sole proprietor. A "blind person" means any person who is totally blind or whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or where the widest diameter of visual field subtends an angle no greater than 20 degrees. This exemption shall not extend to any sole proprietor who permits more than one person other than the proprietor to work regularly in connection with the trade or profession for remuneration or recompense of any kind, unless the other person in excess of one so remunerated is a blind person.

(c) Every person engaged in the public practice of accounting as a principal, or as a manager of the business of public accountant, shall pay for such license fifty dollars ($50.00), and in addition shall pay a license of twelve dollars and fifty cents ($12.50) for each person employed who is engaged in the capacity of supervising or handling the work of auditing, devising or installing systems of accounts.

(d) Repealed by Session Laws 1998-95, s. 7.

(e) Licenses issued under this section are issued as personal privilege licenses and shall not be issued in the name of a firm or corporation. A licensed photographer having a located place of business in this State is liable for a license tax on each agent or solicitor employed by the photographer for soliciting business. If any person engages in more than one of the activities for which a privilege tax is levied by this section, the person is liable for a privilege tax with respect to each activity engaged in.

(f) Repealed by Session Laws 1981, c. 17.

(g) Repealed by Session Laws 1998-95, s. 7.

(h) Counties and cities may not levy any license tax on the business or professions taxed under this section.

(i) Obtaining a license required by this Article does not of itself authorize the practice of a profession, business, or trade for which a State qualification license is required."

SECTION 5. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the act that can be given effect without the invalid provision.

SECTION 6. Section 1 of this act is effective when it becomes law, provided that distributions from the Fund shall begin in the 2004 election year. Section

2 of this act becomes effective January 1, 2004. Section 3 of this act becomes effective January 1, 2003. Section 4 of this act becomes effective with respect to licenses covering the period beginning July 1, 2002. The remainder of this act is effective when it becomes law.

HOUSE BILL 1171:
Judicial Election Reform

BILL ANALYSIS

Committee:	House Rules Committee	**Introduced by:**	Representative Goodwin
Date:	July 9, 2001	**Summary by:**	William R. Gilkeson
Version:	S1171-CSRR-36 [V.20]		Staff Attorney

SUMMARY: Beginning in 2004, the bill would provide what is intended to be full public financing for candidates for Court of Appeals and Supreme Court on the general election ballot who accept fundraising and spending limits. The chief funding mechanism would be a $50 increase in the privilege license fee for lawyers. The bill would also lower the contribution limit for all appellate judge candidates to $500.

Fundraising limits. To participate, a candidate:

- May raise no more than $1,000 of personal or family money in the entire campaign. *Section 1 of the bill, G.S. 163-278.71(f).*
- Must raise at least $7,700, but not more than $57,500, of "qualifying contributions" during the qualifying period. *(Those amounts are keyed to the filing fee, which is keyed to the salary of the office. See chart on next page. The minimums and maximums are slightly different for Supreme Court and Court of Appeals. The Chief Justice has slightly higher numbers than other Supreme Court justices.)* Qualifying contributions must be no more than $100 and given only by North Carolina registered voters. *Section 1, G.S. 163-278.69(8), (9), and (13).* The qualifying period begins 90 days before the end of the candidate-filing period and ends 10 days after the primary. For unaffiliated and new party candidates, the end date is the last Friday in June. *Section 1, G.S. 163-278.69(14).*
- May raise no other money during the entire campaign except from the 2 sources above. *Section 1, G.S. 163-278.71(f).*

In addition, the bill lowers the contribution limit for candidates for Supreme Court and Court of Appeals from $4,000 per election to $500. Effective January 1, 2003. *Section 3.*

Spending limits. To participate a candidate must limit spending as follows:

- In the primary, qualifying contributions only (a maximum of $55,000 for Court of Appeals, $57,500 for Supreme Court), plus personal and family money up to $1,000. *Section 1, G.S. 163-278.71(f.)*
- In the general election, $82,500 for Court of Appeals or $172,500 for Supreme Court, plus any family and qualifying donations and in-kind party support. *Section 1, 163-278.71(f). The base level figure is equal to the initial grant a candidate receives from the Fund.*
- May use only a combination of qualifying money, family money, and public money to pay for campaign-related costs. *Section 1, 163-278.71(f).*
- Must use public money for campaign purposes only. *Section 1, 163-278.71(f).*
- Must return any public money not used for campaign costs incurred during the election for which it was awarded. *Section 1, 163-278.71(f).*

- over -

Benefits to the candidate:

- An initial grant of $82,500 for a Court of Appeals general election candidate *(75 times the filing fee)*; and $172,500 for a Supreme Court general election candidate *(150 times the filing fee). Section 1, 163-278.72.*
- Dollar-for-dollar matching (or "rescue") funds in the general election when the combined spending of an opposing general-election candidate and/or one or more opposing independent expenditure committees exceeds the initial grant, up to twice the amount of the initial grant. *Section 1, 163-278.74.*
- Dollar-for-dollar matching or rescue funds in a primary if the combined spending of an opposing primary-election candidate and/or one or more opposing independent expenditure committees exceeds what the participating candidate is allowed to spend in a primary. *Section 1, 163-278.74.*
- Provisions to make the rescue funds effective, including requirements for rapid disclosure of campaign funds raised, spent or borrowed by non-participating candidates and independent expenditure committees that exceed 80% of the triggers for the release of matching money *Section 1, 163-278.73.* and an embargo on fundraising by non-participating candidates in the last three weeks of a campaign. *Section 3.*
- In-kind support from a political party equal to 10% of the candidate's initial public grant. *Section 1, 163-278.71(f).*
- Identification as an Impartial Justice Act candidate in a voter guide that will be distributed to all voters. *Section 1, G.S. 163-278.77.*

Source of Funds, the newly created Democracy Trust Fund:

- $50 increase in the annual license fee paid by attorneys in private practice. This is expected to generate about $750,000. The fee would be imposed with respect to licenses covering the period beginning January 1, 2002. That would mean the fee would be due in 2003. *Section 4 of the bill. Also Section 1, G.S. 163-278.70. Also Section 6 (effective date).*
- Voluntary donations to the Fund. *Section 1, G.S. 163-278.70.*
- Money provided to certified candidates that must be refunded under terms of the bill. *Section 1, G.S. 163-278.70*

Office	Salary	Filing Fee *(1% of salary)*	Minimum Amount to be Raised in Qualifying Contributions *(7x filing fee)*	Maximum Amount to be Raised in Qualifying Contributions * *(50x filing fee)*	Distribution Amount – Court of Appeals # *(75x filing fee)*	Distribution Amount – Supreme Court # *(150x filing fee)*
Supreme Court @	$115,000	$1,150	$8,050	$57,500 *		$172,500 #
Court of Appeals	$110,000	$1,100	$7,700	$55,000 *	$82,500 #	

@ Numbers slightly higher for Chief Justice.

* This is also the limit on spending during the primary, plus personal/family money.

This is also the limit on spending during the general election, plus personal/family money.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 1171 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PUBLIC FINANCING OF CAMPAIGNS FOR APPELLATE 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 ☐ ☐.

☒ 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 Election Law and 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

HOUSE JOINT RESOLUTION 1461

Sponsors: Representative Black.

Referred to: Rules, Calendar, and Operations of the House.

June 28, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Jacob Wilbert Forbes was born in Camden County on December 31, 1916, to Jacob Foster Forbes and Ida Dozier Forbes; and

Whereas, Wilbert Forbes graduated from Oakridge Military Academy in 1934 and attended Wake Forest University from 1934 to 1936; and

Whereas, Wilbert Forbes married Jerry Louise Wilcox on November 28, 1936; and

Whereas, Wilbert Forbes was a farmer in Camden County; and

Whereas, Wilbert Forbes served with honor and distinction in the House of Representatives from 1953 to 1956; and

Whereas, in 1956, Wilbert Forbes was appointed to the North Carolina Burial Commission by Governor Luther Hodges; and

Whereas, in 1959, Wilbert Forbes began a long career with the railroad industry, serving as Executive Director of the North Carolina Railroad Association from 1959 to 1962, working with Southern Railway from 1964 to 1982, and serving as Resident Executive Vice President of Norfolk Southern Railway in 1982 after Norfolk and Southern Railroads merged; and

Whereas, Wilbert Forbes retired from Norfolk Southern Railway in 1994 at the age of 76; and

Whereas, Wilbert Forbes generously gave his time and energy to his community, serving as a member of the Hall Masonic Lodge #53 in Currituck County for more than 50 years and also serving as a member of the York Rite Masonic Bodies of Raleigh, Amran Shrine Temple, and Wake County Shrine Club; and

Whereas, for a number of years Wilbert Forbes served on the Board of Trustees of Elizabeth City State University; and

Whereas, Wilbert Forbes was a lifelong member of Shiloh Baptist Church in Camden County and an associate member of St. John's Baptist Church in Raleigh; and

Whereas, Wilbert Forbes was admired and respected by all who knew him; and

Whereas, Wilbert Forbes died on March 27, 2000; and

Whereas, Wilbert Forbes is survived by his wife of 63 years, Jerry Louise Wilcox Forbes; his children, Ralph Forbes, Marie Forbes Davis, and Ida Forbes Riddick; and nine grandchildren and eight great-grandchildren; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Jacob Wilbert Forbes and expresses the gratitude and appreciation of this State and its citizens for his life and devoted service to North Carolina.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Jacob Wilbert Forbes for the loss of their beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Jacob Wilbert Forbes for the loss of a beloved husband, father, and grandfather.

SECTION 4. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE JOINT RESOLUTION 1461
PROPOSED COMMITTEE SUBSTITUTE H1461-PCS9311-RW-42

Short Title: (Public)

Sponsors:

Referred to:

June 28, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Whereas, Jacob Wilbert Forbes was born in Camden County on December 31, 1916, to Jacob Foster Forbes and Ida Dozier Forbes; and

Whereas, Wilbert Forbes graduated from Oak Ridge Military Institute in 1934 and attended Wake Forest College from 1934 to 1936; and

Whereas, Wilbert Forbes married Jerry Louise Wilcox on November 28, 1936; and

Whereas, Wilbert Forbes was a farmer in Camden County; and

Whereas, Wilbert Forbes served with honor and distinction in the House of Representatives from 1953 to 1956; and

Whereas, in 1956, Wilbert Forbes was appointed to the North Carolina Burial Commission by Governor Luther Hodges; and

Whereas, in 1959, Wilbert Forbes began a long career with the railroad industry, serving as Executive Director of the North Carolina Railroad Association from 1959 to 1962, working with Southern Railway from 1964 to 1982, and serving as Resident Executive Vice President of Norfolk Southern Railway in 1982 after Norfolk and Southern Railroads merged; and

Whereas, Wilbert Forbes retired from Norfolk Southern Railway in 1994 at the age of 76; and

Whereas, Wilbert Forbes generously gave his time and energy to his community, serving as a member of the Hall Masonic Lodge #53 in Currituck County for more than 50 years and also serving as a member of the York Rite Masonic Bodies of Raleigh, Amran Shrine Temple, and Wake County Shrine Club; and

Whereas, for a number of years Wilbert Forbes served on the Board of Trustees of Elizabeth City State University; and

Whereas, Wilbert Forbes was a lifelong member of Shiloh Baptist Church in Camden County and an associate member of St. John's Baptist Church in Raleigh; and

Whereas, Wilbert Forbes was admired and respected by all who knew him; and

Whereas, Wilbert Forbes died on March 27, 2000; and

Whereas, Wilbert Forbes is survived by his wife of 63 years, Jerry Louise Wilcox Forbes; his children, Ralph Forbes, Marie Forbes Davis, and Ida Forbes Riddick; and nine grandchildren and eight great-grandchildren; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Jacob Wilbert Forbes and expresses the gratitude and appreciation of this State and its citizens for his life and devoted service to North Carolina.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Jacob Wilbert Forbes for the loss of their beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Jacob Wilbert Forbes for the loss of a beloved husband, father, and grandfather.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.J.R. 1461 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, 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 joint resolution, unfavorable as to original joint resolution.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE RESOLUTION 1455

Sponsors: Representatives Rogers and Culpepper.

Referred to: Rules, Calendar, and Operations of the House.

May 31, 2001

A HOUSE RESOLUTION HONORING THE MEMORY OF CIVIL WAR VETERANS IRA T. HARDISON AND JOHN F. MCNAIR, AND OTHERS BURIED IN THE WINDLEY CEMETERY AND COMMENDING THE EFFORTS OF THE WINDLEY CEMETERY PERPETUAL CARE ASSOCIATION, INC., AND THE PLYMOUTH COMMUNITY IN RESTORING AND PRESERVING THAT CEMETERY.

Whereas, the Windley Cemetery Perpetual Care Association, Inc., a private nonprofit association, was formed in 1993 by a group of civic-minded citizens in the Town of Plymouth; and

Whereas, association members were enormously successful in soliciting private donations totaling $125,000 from relatives who had loved ones interred in the Windley Cemetery and from other members of the Plymouth community to sustain a tax-free Perpetual Care Fund for the Windley Cemetery; and

Whereas, after this achievement, the association decided to restore the Windley Cemetery to the prominent burial ground that it had once been; and

Whereas, the Windley Cemetery was first used as a cemetery during the Civil War era; and

Whereas, the cemetery contains several acres of land with 1,500 grave sites; and

Whereas, many graves of known Civil War Veterans have been discovered in the cemetery, including those of Ira T. Hardison, Company A, 17th North Carolina Infantry and John F. McNair, Company E, 52nd North Carolina Infantry; and

Whereas, some of those buried in the cemetery were casualties of the Battle of Plymouth, which was fought twice, once with the Confederates winning the battle and some weeks later with the Union Forces regaining possession of Plymouth; and

Whereas, the Battle of Plymouth was the only time the Southern Army performed this feat; and

Whereas, association members have completed several projects in their efforts to restore the Windley Cemetery, including:

(1) Identifying those who fell victim of the war as well as those who survived and are interred in the cemetery.
(2) Fencing the entire cemetery with a brick and wrought iron fence across the front and with a split rail fence on each side and the rear.
(3) Constructing a monument and erecting a flagpole in honor of the deceased veterans and others who are buried in the cemetery.
(4) Landscaping the entire cemetery.
(5) Installing gravel and paving four access lanes; and

Whereas, these restoration projects were financed with additional funds outside of the Perpetual Care Fund; and

Whereas, the actions taken in restoring the Windley Cemetery will forever be a reminder to the Plymouth community and the State of our past war history and how that history influences our lives today; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives honors the memory of Ira T. Hardison, John F. McNair, and others buried in the Windley Cemetery and commends the Windley Cemetery Perpetual Care Association, Inc., and the Plymouth Community for recognizing the need to preserve the Windley Cemetery.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Windley Cemetery Perpetual Care Association, Inc.

SECTION 3. This resolution is effective upon adoption.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
H.R. 1455 A HOUSE RESOLUTION HONORING THE MEMORY OF CIVIL WAR VETERANS IRA T. HARDISON AND JOHN F. MCNAIR, AND OTHERS BURIED IN THE WINDLEY CEMETERY AND COMMENDING THE EFFORTS OF THE WINDLEY CEMETERY PERPETUAL CARE ASSOCIATION, INC., AND THE PLYMOUTH COMMUNITY IN RESTORING AND PRESERVING THAT CEMETERY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☒ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE JOINT RESOLUTION 35

Sponsors:	Representatives Goodwin; and Luebke.
Referred to:	Rules, Calendar, and Operations of the House.

February 1, 2001

A JOINT RESOLUTION FAVORING ROTATING REGIONAL PRESIDENTIAL PRIMARIES.

Whereas, the costs of presidential campaigns have skyrocketed during the last twenty-five years, preventing many viable candidates, rich in ideas and support, from continuing their campaigns through the entire primary election season on account of the lack of money; and

Whereas, presidential candidates spend more of their time campaigning among the people of states with early presidential primaries than with those states later in the election season calendar; and

Whereas, both of these factors often winnow out candidates before a particular state's voters have the opportunity to vote on all the announced presidential candidates qualifying for the ballot in that state; and

Whereas, the voters of many states are in effect disenfranchised from the process of selecting their party nominees for President because of the growing length of time spent in presidential campaigns; and

Whereas, it is incumbent to give every state and its voters an equal opportunity in the selection of presidential party nominees; and

Whereas, a national presidential primary would defeat the purpose of campaign reform in that only the best-financed, longest-campaigning candidates would be able to compete among the states, and even then only among the states with the greatest amount of delegates; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. North Carolina favors the use of rotating regional presidential primaries beginning with the 2004 presidential election cycle, but retaining the earlier New Hampshire primary and Iowa caucus.

SECTION 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE RESOLUTION 35
PROPOSED COMMITTEE SUBSTITUTE H35-PCS9310-RW-36

Short Title: (Public)

Sponsors:

Referred to:

February 1, 2001

A HOUSE RESOLUTION FAVORING ROTATING REGIONAL PRESIDENTIAL PRIMARIES.

Whereas, the costs of presidential campaigns have skyrocketed during the last twenty-five years, preventing many viable candidates, rich in ideas and support, from continuing their campaigns through the entire primary election season on account of the lack of money; and

Whereas, presidential candidates spend more of their time campaigning among the people of states with early presidential primaries than with those states later in the election season calendar; and

Whereas, both of these factors often winnow out candidates before a particular state's voters have the opportunity to vote on all the announced presidential candidates qualifying for the ballot in that state; and

Whereas, the voters of many states are in effect disenfranchised from the process of selecting their party nominees for President because of the growing length of time spent in presidential campaigns; and

Whereas, it is incumbent to give every state and its voters an equal opportunity in the selection of presidential party nominees; and

Whereas, a national presidential primary would defeat the purpose of campaign reform in that only the best-financed, longest-campaigning candidates would be able to compete among the states, and even then only among the states with the greatest amount of delegates; Now, therefore,

Be it resolved by the House of Representatives:

SECTION 1. The House of Representatives favors the use of rotating regional presidential primaries beginning with the 2004 presidential election cycle, but retaining the earlier New Hampshire primary and Iowa caucus.

SECTION 2. This resolution is effective upon adoption.

VISITOR REGISTRATION SHEET

Rules
Name of Committee

7/10/01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Marcia Sundberg	WNC-TV
Gary Robertson	AP
Deb Ross	ACLU
Dan Wright	State Bd. of Elections
Katie Mills	Intern
Charlene P. Hawkins	Secretary of State
[illegible]	Secretary of State
Anne Wynne	NCAWA
Pamela Best	AOC
Chris Heagood	NC Center for Voter Education
[illegible]	NCPIRG
[illegible]	NCICU
Kim Hibbard	NCLM
Gene Causby	NCSFSA
Jeanny Hardesty	NCCP / FO
[illegible]	Charlotte Observer

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JULY 24, 2001
1:05 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 118 – BRUNSWICK COUNTY LOCAL ACT-2

HJR 1456 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME

SB 178 – ADULT CARE HOME ASSESSMENT

SB 420 – ROCKY MOUNT POLICE OFFICER RESIDENCY

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

July 24, 2001

The Committee on Rules, Calendar and Operations of the House met on July 24, 2001 at 1:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Allred, Barefoot, Buchanan, Crawford, Hill, Jarrell, Luebke, and Yongue.

The following bills were considered:

HOUSE BILL 118 – AN ACT RELATING TO THE COUNTY OF BRUNSWICK. A proposed committee substitute changing the title to AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE was offered, and Representative Hill made a motion that it be adopted for the purpose of discussion. Without objection, the chairman so ordered. Representative Hill, bill sponsor, was recognized and stated that the mayor and a majority of the town commissioners support the deannexation of certain tracts of land from the Town of Belville. He moved that the proposed committee substitute be reported without prejudice, with the recommendation that it be re-referred to the Committee on Finance, and that the original bill be given an unfavorable report. The motion carried.

HOUSE JOINT RESOLUTION 1456 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME. Following a brief statement by Representative Hill, sponsor of the resolution, Representative Luebke moved that it be given a favorable report, which motion passed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 178 – AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES. The chairman stated that the bill was before the committee procedurally. It had passed the Senate and given a favorable report by the Committee on Aging and re-referred to the Rules Committee. He asked for a motion that the bill be reported without prejudice. Representative Buchanan so moved. Representative Luebke raised a question as to whether the bill had any fiscal impact, and the chairman ruled that the bill would be held until a fiscal note could be prepared, at which time Representative Buchanan withdrew his motion.

COMMITTEE SUBSTITUTE FOR SENATE BILL 420 – AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT. A proposed House committee substitute changing the title to AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON

THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY was offered. Representative Yongue was asked to preside so that the chairman could speak on the proposed House committee substitute. Representative Allred moved that the proposed committee substitute be adopted, and the motion carried. Representative Culpepper stated that the bill was given a favorable report by the Committee on Local Government I. Following the bill introduction deadline, he had received a resolution from the Perquimans County Board of Commissioners requesting legislation involving hunting with center-fired rifles and hunting on land without written permission. With the permission of Senator Swindell, the Senate bill sponsor, he stated that he was using this bill as a vehicle to give Perquimans County their local act. Following questions by committee members, Representatives Buchanan and Hill spoke in favor of the bill. Representative Buchanan moved that the proposed House committee substitute be given a favorable report, unfavorable as to the original Senate bill. The motion carried.

There being no further business, the meeting adjourned at 1:20 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 118

Short Title:	Brunswick County Local Act-2.	(Local)
Sponsors:	Representative Hill.	
Referred to:	Rules, Calendar, and Operations of the House.	

February 15, 2001

A BILL TO BE ENTITLED

AN ACT RELATING TO THE COUNTY OF BRUNSWICK.

The General Assembly of North Carolina enacts:

SECTION 1. This act relates to Brunswick County only.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 118
PROPOSED COMMITTEE SUBSTITUTE H118-PCS6333-RW-47

Short Title: Belville Deannexation. (Local)

Sponsors:

Referred to:

February 15, 2001

A BILL TO BE ENTITLED

AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. The corporate limits of the Town of Belville are reduced by removing the following described tracts:

TRACT 1A

BEING all of that certain real property located in Town Creek Township, Brunswick County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in the eastern right-of-way line of Glendale Drive (50 foot public right-of-way), said point being the southwest corner of Lot 83, Glendale subdivision, Phase I, as the same is shown on Map Book 19, Page 275, of the Brunswick County Registry; thence along and with the southern line of Glendale Subdivision, Phase I, South 68 degrees 13 minutes 47 seconds East a distance of 74.35 feet to a point; thence along and with the southern line of Glendale Subdivision, Phase I, South 58 degrees 44 minutes 25 seconds East a distance of 261.47 feet to a point; thence along and with the southern line of Glendale Subdivision, Phase I, as the same is shown on Map Book 19 Page 276 of the Brunswick County Registry; South 64 degrees 40 minutes 30 seconds East a distance of 182.03 feet to a point; thence along and with the southern line of Glendale Subdivision, Phase 1 (Map Book 19, Page 276) South 77 degrees 20 minutes 12 seconds East a distance of 200.61 feet to a point; thence along and with the southern line of Glendale Subdivision, Phase I (Map Book 19, Page 276), North 86 degrees 33 minutes 04 seconds East a distance of 206.00 feet to a point; South 83 degrees 46 minutes 05 seconds East a distance of 160.01 feet to a point; thence South 27 degrees 43 minutes 00 seconds West a distance of 643.94 feet to a point; thence North 71 degrees 12 minutes 53 seconds West a distance of 559.57 feet to a point; thence North 59 degrees 47 minutes 44 seconds West a distance of 450.00 feet to an

existing iron pipe; thence along and with the eastern line of the Brunswick County Board of Education Tract North 08 degrees 00 minutes 06 second East a distance of 398.19 feet to an existing iron pipe; thence along and with the eastern line of the Brunswick County Board of Education Tract North 04 degrees 02 minutes 38 seconds West a distance of 92.85 feet to a point; thence along and with the southern line of Lot 90, Glendale Subdivision, Phase I (Map Book 19, Page 275) South 86 degrees 05 minutes 51 seconds East a distance of 100.00 feet to a point in the western right-of-way line of Glendale Drive (50 foot public right-of-way); thence along and with the western right-of-way line of Glendale Drive South 04 degrees 02 minutes 38 seconds East a distance of 46.79 feet to a point; thence North 85 degrees 57 minutes 22 seconds East a distance of 50.00 feet to a point in the eastern right-of-way line of Glendale Drive; thence along and with the eastern right-of-way line of Glendale Drive North 04 degrees 02 minutes 38 seconds West a distance of 16.61 feet to the Point of BEGINNING; containing 13.30 acres, more or less, and being all of Tract A, as shown on that survey entitled "Landmark Developers, Inc. and Landmark Land & Timber, Inc. Tracts A & B, a Portion of Lanco Properties, Inc." dated January, 1999, by Michael Underwood and Associates, P.A.

TRACT 1B

BEING all that certain real property located in Town Creek Township, Brunswick County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pipe located in the southern right-of-way line of US Hwy 74/76 (300 foot public right-of-way), said existing iron pipe being the easternmost corner of Lot 27, Glendale Subdivision, Phase I, as the same as shown on Map Book 19, Page 276 of the Brunswick County Registry, thence along and with the southern right-of-way line of US Hwy 74/76 South 45 degrees 00 minutes 00 seconds East a distance of 1936.39 feet to an existing right-of-way monument; thence along and with the now or formerly Wilmington West Land Company Tract South 23 degrees 52 minutes 40 seconds West a distance of 951.30 feet to an old DLG stone monument; thence along and with the now or formerly Wilmington West Land Company Tract North 79 degrees 09 minutes 32 seconds West a distance of 1767.73 feet to an old DLG stone monument; thence along and with the now or formerly Wilmington West Land Company Tract North 58 degrees 09 minutes 48 seconds West a distance of 897.55 feet to an old DLG stone monument; thence along and with the eastern line of the Brunswick County Board of Education Tract North 08 degrees 00 minutes 06 seconds East a distance of 972.81 feet to an existing iron pipe; thence South 59 degrees 47 minutes 44 seconds East a distance of 450.00 feet to an iron pipe; thence South 71 degrees 12 minutes 53 seconds East a distance of 559.57 feet to an iron pipe; thence North 27 degrees 43 minutes 00 seconds East a distance of 990.00 feet to the Point of BEGINNING; containing 83.92 acres, more or less, and being all of Tract B, as shown on that survey entitled "Landmark Developers, Inc. and Landmark Land & Timber, Inc.

Tracts A & B, a Portion of Lanco Properties, Inc." dated January, 1999, by Michael Underwood and Associates, P.A.

TRACT 1C
437.99 Acre Tract

BEGINNING at a point, said point being the Northwestern corner of the K.E. Austin tract as recorded in Deed Book 799 at Page 157 of the Brunswick County Registry; said point being located the following bearing and distances from the intersection of the centerline of Poole Road (80 foot right-of-way) and the centerline of Backhoe Road (80 foot right-of-way) as shown on a map recorded in Map Cabinet 20 at Page 159 dated July 1998 of said registry: North 00 degrees 13 minutes 56 seconds West 40.00 feet, North 89 degrees 46 minutes 04 seconds East 40.00 feet and North 00 degrees 13 minutes 56 seconds West 401.10 feet; running thence from said beginning point North 00 degrees 13 minutes 56 seconds West 315.00 feet to appoint; thence South 89 degrees 46 minutes 04 seconds West 1280.87 feet to a point in the Eastern line of the Landmark Development tract as recorded in Deed Book 1102 at Page 1040 of said registry; running thence with said Eastern line North 05 degrees 56 minutes 47 seconds West 4469.90 feet to an existing concrete monument marking the Southeastern corner of the Brunswick County Board of Education tract as described in Deed Book 348 at Page 404 of said registry and the Southwestern corner of Lanco Properties, Inc., tract; running thence with the Southern line of the Lanco tract South 61 degrees 47 minutes 01 seconds East 897.46 feet to an existing concrete monument; thence continuing with said Lanco Properties, Inc., line South 82 degrees 46 minutes 13 seconds East 1767.62 feet to an existing concrete monument, same being the Southeastern corner of the Lanco Properties, Inc., tract; thence continuing with the Eastern line of Lanco Properties, Inc., tract North 20 degrees 15 minutes 58 seconds East 951.35 feet to a point in the Southwestern line of U.S. Hwy. 74, 76; running thence with said Southwestern line South 48 degrees 36 minutes 34 seconds East 2145.18 feet to a point; thence South 49 degrees 06 minutes 19 seconds East 200.30 feet to a point; running thence with a curve to the North a chord bearings and distances of south 53 degrees 36 minutes 52 seconds East 498.79 feet and South 56 degrees 03 minutes 18 seconds East 328.98 feet to a point; thence South 59 degrees 05 minutes 38 seconds East 202.96 feet to a point; thence South 56 degrees 24 minutes 58 seconds East 179.92 feet to a point; running thence with a curve to the South a chord bearing and distance South 22 degrees 40 minutes 46 seconds East 414.61 feet (R=373 feet) to a point in the Western line of U.S. Hwy. 17; running thence with said Western line South 11 degrees 07 minutes 39 seconds West 179.20 feet to a point; thence South 14 degrees 05 minutes 30 seconds West 547.29 feet to a point; thence South 14 degrees 45 minutes 39 seconds West 671.13 feet to a point; thence leaving the Western line of U.S. Hwy. 17 and running South 89 degrees 43 minutes 34 seconds West 2178.70 feet to a point; thence South 00 degrees 13 minutes 56 seconds East 1013.67 feet to a point, same being the Northeastern corner of the K.E. Austin tract; running thence with the Northern line of

the K.E. Austin tract South 89 degrees 46 minutes 04 seconds West 1534.45 feet to the point of beginning. Containing 437.99 acres more or less.

TRACT 1D

9.82 Acre Tract & 0.07 Acre Utility Site

BEGINNING at a point in the Northern line of Poole Road (80 foot right-of-way), said point being located North 00 degrees 13 minutes 56 seconds West 40.00 feet from the intersection of the centerline of Poole Road and the centerline of Backhoe Road (80 foot right-of-way) as shown on a map recorded in Map Cabinet 20 at Page 159 dated July 1998 of the Brunswick County Registry; running thence from said beginning point with the Northern line of Poole Road South 89 degrees 46 minutes 04 seconds West 40.00 feet to a point, the same being the Southeastern corner of the James F. Rogers tract of land as described in Deed Book 1073 at Page 728 in said registry; running thence with the James F. Rogers Eastern line North 00 degrees 13 minutes 56 seconds West 401.10 feet to a point, same being the Northeastern corner of the James F. Rogers tract; running thence with the James F. Rogers Northern line South 89 degrees 46 minutes 04 seconds West 1169.34 feet to a corner of the Landmark Development tract of land as described in Deed Book 1102 at Page 1040 in said registry; running thence with the Landmark Development's Eastern line North 05 degrees 56 minutes 47 seconds West 316.57 feet to a point; thence leaving said Landmark Development's Eastern line and running thence North 89 degrees 46 minutes 04 seconds East 1280.87 feet to a point; running thence South 00 degrees 13 minutes 56 seconds East 315.00 feet to a point, same being the Northwestern corner of the K.E. Austin tract as recorded in Deed Book 799 at Page 157 in said registry; running thence with the Western line of said K.E. Austin tract South 00 degrees 13 minutes 56 seconds East 401.10 feet to a point in the Northern line of Poole Road, same being the Southwestern corner of said K.E. Austin tract; running thence with said Northern line South 89 degrees 46 minutes 04 seconds West 40.00 feet to the point of beginning. Containing 9.82 acres more or less.

Excepting, however, from the above described tract a utility site of the Town of Belville being described as follows:

BEGINNING at the Northeastern corner of the James F. Rogers tract, said point being located the following bearing and distances from the intersection of the centerline of Poole Road and the centerline of Backhoe Road (80 foot right-of-way) as shown on a map recorded in Map Cabinet 20 at Page 159 dated July 1998 of the Brunswick County Registry. North 00 degrees 13 minutes 56 seconds West 40.00 feet, South 89 degrees 46 minutes 04 seconds West 40.00 feet and North 00 degrees 13 minutes 56 seconds West 401.10 feet; running thence from said beginning point with the Northern line of the James F. Rogers tract South 89 degrees 46 minutes 04 seconds West 40.00 feet to a point; thence leaving the Northern line of the James F. Rogers line and running North 00 degrees 13 minutes 56 seconds West 65.00 feet to a point; thence South 78 degrees

55 minutes 20 seconds East 50.99 feet to a point; thence South 00 degrees 13 minutes 56 seconds East 55.00 feet to a point; thence South 89 degrees 46 minutes 04 seconds West 10.00 feet to the point of beginning. Containing 0.07 acres more or less. Together with an access and utility easement along Wisteria Way as shown on a map of Phase 1, The Fairways at Wilmington West as recorded in Map Cabinet 20 at Page 159 of the Brunswick County Registry.

TRACT 1E

50.00 Acre Tract

BEGINNING at a point, said point being the Northeastern corner of the K.E. Austin tract as recorded in Deed Book 799 at Page 157 of the office of the Brunswick County Registry; said point being located the following bearing and distances from the intersection of the centerline of Poole Road and the centerline of Backhoe Road (80 foot right-of-way) as shown on a map recorded in Map Cabinet 20 at Page 159 dated July 1998 of said registry: North 00 degrees 13 minutes 56 seconds West 40.00 feet, North 89 degrees 46 minutes 04 seconds East 40.00 feet, North 00 degrees 13 minutes 56 seconds West 401.10 feet and North 89 degrees 46 minutes 04 seconds East 1534.45 feet; running thence from said beginning point North 00 degrees 13 minutes 56 seconds West 1013.67 feet to a point; thence North 89 degrees 43 minutes 34 seconds East 2178.70 feet to a point in the Western line of U.S. Hwy. 17; running thence with said Western line South 14 degrees 45 minutes 39 seconds West 253.97 feet to a point; thence South 16 degrees 04 minutes 15 seconds West 193.65 feet to a point; thence South 23 degrees 16 minutes 14 seconds West 555.81 feet to a point, same point being the Northeastern corner of the Jack G. Stocks tract as recorded in Deed Book 1030 at Page 941 of said registry; thence leaving the Western line of U.S. Hwy. 17 and running with the Northern line of the Jack G. Stocks tract South 67 degrees 04 minutes 34 seconds West 190.90 feet to a broken stone monument marked "DLG"; thence continuing with the Northern line of the Jack G. Stocks tract South 89 degrees 43 minutes 34 seconds West 332.96 feet to the Northwestern corner of the Jack G. Stocks tract; running thence South 89 degrees 43 minutes 34 seconds West 892.35 feet to a point; thence South 89 degrees 46 minutes 04 seconds West 80.00 feet to a point; thence South 00 degrees 13 minutes 56 seconds East 219.34 feet to a point; running thence with a curve to the East a chord bearing and distance of South 07 degrees 11 minutes 04 seconds East 158.95 feet to a point in the Northern line of Poole Road; running thence with said Northern line South 72 degrees 22 minutes 19 seconds West 35.22 feet to a point; thence a chord bearing and distance South 80 degrees 18 minutes 39 seconds West 81.84 feet to a point; thence South 89 degrees 46 minutes 04 seconds West 260.50 to a point, same being the Southeastern corner of the K.E. Austin tract; thence leaving said Northern line and running with the Eastern line of the K.E. Austin tract North 00 degrees 13 minutes 56 seconds West 401.10 feet to the point of beginning. Containing 50.00 acres more or less.

TRACT 1F

7.456 Acre Tract

BEGINNING at an old iron pipe in the Northwestern line of U.S. Highway No. 17 (340 foot right-of-way), the Easternmost corner of the 5.03 acre tract conveyed to Worsley Companies, Inc., by Deed recorded in Book 692 at Page 648 of the Brunswick County Registry, said pipe being North 57 degrees 10 minutes 19 seconds East 100.44 feet from a concrete right-of-way marker in said line of said highway that is North 58 degrees 56 minutes 55 seconds East 199.59 feet from another concrete right-of-way marker in said line of said highway that is North 59 degrees 59 minutes 47 seconds East along said line of said highway 149.35 feet from an old iron pipe at its intersection with the Northeastern line of Lincoln Road (80 foot right-of-way); running thence from said Beginning point North 30 degrees 11 minutes 43 seconds West along the Northeastern line of said Worsley tract 488.73 feet to an old iron pipe in the centerline of the Brunswick Electric Membership Corporation's 80 foot power line easement, the Northernmost corner of said Worsley tract; thence North 59 degrees 47 minutes 59 seconds East along the centerline of said easement 482.74 feet to an iron pipe; thence North 59 degrees 47 minutes 59 seconds East along the centerline of said easement 35.67 feet to a point in the Northern line of the tract conveyed to Lincoln Development Company, Inc., by Deed recorded in Book 296 at Page 628 of said registry, said point being in the center of a large ditch; thence South 85 degrees 25 minutes East along said Northern line and with the center of said ditch 332.95 feet to an old granite stone marked "DLG"; thence North 71 degrees 56 minutes East along a Southern line of the tract conveyed to Wilmington West Land Company by deed recorded in Book 751 at Page 1003 of said registry 190.90 feet to an old iron pipe in the Northwestern line of said highway; thence Southwestwardly along said line of said highway as it curves to the West (radius of 2291.83 feet) to the point of Beginning, said Beginning point being South 44 degrees 59 minutes 37 seconds West 1012.14 feet from the preceding point; the same containing 7.456 acres and being a portion of the tract conveyed to Milton T. Schaeffer and wife by Deed recorded in Book 766 at Page 629 of the Brunswick County Registry.

Together with an easement forty feet in width for ingress and egress, the Southeastern lines of same being the Northwestern lines of U.S. Highway No. 17, said easement extending from the Northeastern line of Lincoln Road to the Southwestern line of the above described tract, said easement being more fully described in the Easement Deed of Milton T. Schaeffer, Jr. and wife recorded in Book 814 at Page 947 of the Brunswick County Registry.

TRACT 1G

5.40 Acre Tract

BEGINNING at an existing iron pipe located in the northern right-of-way of U.S. Highway No. 17, said iron pipe being at the point where the northern right-of-way of said U.S. Highway No. 17 is intersected by the western right-of-way of Poole Road,

said existing iron pipe being located 10 feet measured in a westerly direction from a right-of-way monument; from said place and point of beginning thus located runs thence South 59 degrees 50 minutes West 474.50 feet with the northern right-of-way of U.S. Highway No. 17 to an existing iron pipe; runs thence North 30 degrees 10 minutes West 495.75 feet to a P. K. nail set in a concrete bag retaining wall; runs thence North 59 degrees 50 minutes East 474.50 feet to an iron pipe set, said iron pipe being located in the western right-of-way line of said Poole Road; runs thence with the western right-of-way line of said Poole Road South 30 degrees 10 minutes East 495.75 feet to the place and point of beginning, containing 5.40 acres according to a map entitled "Map of Survey For Bee Oil Company" by Robert H. Goslee and Associates, dated October 7, 1994. Being the same tract or parcel of land conveyed by deed recorded in Book 651 at Page 262 of the Brunswick County Registry.

TRACT 1H

5.03 Acre Tract

BEGINNING at a new iron pipe at the intersection of the easterly line of Lincoln Road (80 foot right-of-way) and the northerly line of U.S. Highway No. 17 (340 foot right-of-way). Said beginning point being located North 59 degrees 56 minutes 23 seconds East 9.95 feet from a concrete right-of-way monument on the easterly side of said Lincoln Road. Said right-of-way monument being located North 59 degrees 45 minutes 28 seconds East 60.06 feet from another concrete right-of-way monument on the westerly side of said Lincoln Road. Said Lincoln Road being located 1.75 miles, plus or minus, from the intersection of old U.S. Highway No. 17, also known as S.R. 1551, and N.C. Highway No. 133 at Belville, as measured along old U.S. Highway No. 17. Running thence from said beginning point; North 30 degrees 12 minutes 16 seconds West 495.78 feet along the easterly line of said Lincoln Road to a new iron pipe on the centerline of Brunswick Electric Membership Corporation's 80 foot easement; thence North 59 degrees 47 minutes 03 seconds East 443.00 feet along said centerline of Brunswick Electric Membership Corporation's easement to a new iron pipe; thence South 30 degrees 12 minutes 57 seconds East 488.76 feet to a new iron pipe in the northerly line of said U.S. Highway No. 17. Last said iron pipe being in a curve; thence along the curved right-of-way line of U.S. Highway No. 17 to a concrete right-of-way monument at the end of said curve that is located South 56 degrees 36 minutes 03 seconds West a chord distance of 100.39 feet from the preceding point; thence South 59 degrees 14 minutes 15 seconds West 193.68 feet along the northerly line of said U.S. Highway No. 17 to a concrete right-of-way monument; thence South 59 degrees 56 minutes 23 seconds West 149.19 feet to the point of BEGINNING according to a survey by Sherwin D. Cribb, R.L.S., for Worsley Companies, Inc., dated December 15, 1994.

The above described tract contains 5.03 acres and is a portion of that tract conveyed to Lincoln Development Company, Inc., by deeds recorded in Book 296, Page 628, and Book 297, Page 17, of the Brunswick County Registry and also being the same property

described in that deed to Worsley Companies, Inc., recorded in Book 692, Page 648, of the Brunswick County Registry.

TRACT 1I
6.017 Acre Tract

BEGINNING at an old iron pipe where the northeastern line of Lincoln Road (80 foot right-of-way) is intersected by the centerline of the Brunswick Electric Membership Corporation's 80 foot power line easement, said pipe being North 30 degrees 10 minutes West along said line of said road 495.70 feet from an old iron pipe at its intersection with the northwestern line of U.S. Highway No. 17 (340 foot right-of-way), said Beginning point being the westernmost corner of the tract conveyed to Worsley Properties by Deed recorded in Book 692 at Page 648 of the Brunswick County Registry; running thence from said beginning point northwardly along a curved line having a radius of 576.79 feet to an iron pipe that is North 12 degrees 46 minutes 15 seconds West 344.89 feet from the preceding point; thence North 4 degrees 37 minutes 30 seconds East 204.29 feet to an iron pipe; thence North 4 degrees 37 minutes 30 seconds East 15.00 feet to a point in the Northern line of the tract conveyed to Lincoln Development Company, Inc., by Deed recorded in Book 296 at Page 628 of said Registry, said point being in the center of a large ditch; thence South 85 degrees 25 minutes East along said Northern line and with the center of said ditch 892.36 feet to its intersection with the centerline of said power line easement; thence South 59 degrees 47 minutes 59 seconds West along said centerline 35.67 feet to an iron pipe; thence South 59 degrees 47 minutes 59 seconds West along said centerline 482.74 feet to an old iron pipe, the northernmost corner of said Worsley tract; thence South 59 degrees 47 minutes 59 seconds West along said centerline 443.03 feet to the point of Beginning, the same containing 6.017 acres and being a portion of the tract conveyed to Milton T. Schaeffer by Deed recorded in Book 766 at Page 629 of the Brunswick County Registry.

TOGETHER WITH an access easement described as follows:

BEGINNING at the beginning point of the above described tract; running thence North 30 degrees 10 minutes West along the Northeastern line of Lincoln Road 181.71 feet to an iron pipe at a bend in said road; thence North 85 degrees 22½ minutes West along the northern line of Lincoln Road 175.10 feet to an iron pipe; thence Eastwardly along a curved line having a radius of 270.00 feet to an iron pipe that is North 85 degrees 25 minutes 37½ seconds East 81.67 feet from the preceding point; thence North 77 degrees 13 minutes 45 seconds East 35.22 feet to an iron pipe; thence Northwardly along a curved line having a radius of 656.79 feet to an iron pipe that is North 2 degrees 19 minutes 38 seconds East 159.00 feet from the preceding point; thence North 4 degrees 37½ minutes East 219.29 feet to a point in the Northern line of said Lincoln Development Company, Inc. tract; thence South 85 degrees 22½ minutes East along said line 80.00 feet to the Northwestern corner of the above described tract; thence

South 4 degrees 37½ minutes West along the Western line of said tract 219.29 feet to an iron pipe; thence Southwardly along the curved western line of said tract to the point of Beginning, said Beginning point being South 12 degrees 46 minutes 15 seconds East 344.89 feet from the beginning point.

TRACT 2

A certain tract or parcels of land lying and being in Town Creek Township, Brunswick County, North Carolina and being a part of that area annexed by the Town of Belville as shown on map cabinet 18 page 540, map cabinet 19 page 439, map cabinet 19 page 201, and map book 24 page 149 of the Brunswick County Registry and being more particularly described as follows:

Beginning at a point at the intersection of the eastern right-of-way of U.S. Hwy. 17 (Ocean Highway 340' public right-of-way and the northern right-of-way of Ploof Road (right-of-way varies), said beginning point being the westernmost corner of that tract as shown on map cabinet 24 page 149:

Proceed thence from said beginning point and with the eastern right-of-way of U.S. Hwy. 17 N 59°51'40" E 190.35' to a point; thence leaving said right-of-way S 79°20'20" E a distance of 441.50' to a point; thence S 60°02'10 W a distance of 534.52' to a point; thence S 30°05'04" E a distance of 178.10' to a point, thence with a curve turning to the left with an arc length of 222.45', with a radius of 250.31', with a chord bearing of S 55°34'07" E, with a chord length of 215.20', thence S 81°01'41" E a distance of 58.83' to a point; thence with a curve turning to the left with an arc length of 216.78', with a radius of 317.79', with a chord bearing of N 79°25'50" E, with a chord length of 212.60', thence N 59°51'57" E a distance of 156.99' to a point; thence S 30°05'30" E a distance of 516.38' to a point; thence S 08°59'30" W a distance of 272.35' to a point; thence S 80°59'08" E a distance of 265.00' to a point; thence N 09°00'14" E a distance of 406.12' to a point; thence N 59°51'20" E a distance of 225.68' to a point; thence S 29°49'41" E a distance of 54.35' to a point; thence S 81°00'29" E a distance of 2275.76' to a point; thence S 06 °55'00" E a distance of 94.51' to a point; thence S 06°46'00" E a distance of 111.43' to a point; thence S 28°44'00" E a distance of 215.15' to a point; thence S 36°34'00" E a distance of 196.35' to a point; thence S 80°54'01" E a distance of 653.92' to a point in the run of a small branch; thence with said branch the following courses and distances S 22°47'29" W a distance of 120.74' to a point; thence S 03°32'34" E a distance of 58.01' to a point; thence S 21°17'00" W a distance of 58.97' to a point; thence S 25°34'28" E a distance of 58.48' to a point; thence S 05°56'31" E a distance of 95.91' to a point; thence S 07°53'02" E a distance of 85.11' to a point; thence S 23°41'10" W a distance of 53.18' to a point; thence S 39°05'20" W a distance of 46.30' to a point; thence S 44°38'42" W a distance of 38.80' to a point; thence S 29°27'10" W a distance of 52.75' to a point; thence S 09°25'26" W a distance of 102.73' to a point; thence S 07°24'35" E a distance of 74.90' to a point; thence S 27°22'39" Ea distance of

61.59' to a point; thence S 75°09'08" E a distance of 42.53' to a point; thence N 84°51'32" E a distance of 139.40' to a point; thence N 51°27'47" E a distance of 52.54' to a point; thence N 76°22'19" E a distance of 41.81' to a point; thence S 63°53'47" E a distance of 47.28' to a point; thence S 36°00'13" E a distance of 35.84' to a point; thence S 03°09'43" W a distance of 94.17' to a point; thence S 43°03'38" E a distance of 226.41' to a point; thence S 14°05'22" E a distance of 51.93' to a point; thence S 45°01'16" E a distance of 99.14' to a point; thence S 01°14'32" W a distance of 62.42' to a point; thence S 48°16'33" E a distance of 55.21' to a point; thence S 67°25'00" E a distance of 72.68' to a point; thence S 12°56'37" E a distance of 64.59' to a point; thence S 52°07'57" E a distance of 115.27' to a point; thence S 20°51'20" E a distance of 58.15' to a point; thence S 07°18'11" E a distance of 58.84' to a point; thence S 14°30'33" W a distance of 77.77' to a point; thence S 02°04'08" E a distance of 67.93' to a point; thence S 36°18'53" E a distance of 92.67' to a point; thence S 13°03'34" E a distance of 185.04' to a point; thence S 44°40'41" E a distance of 79.94' to a point; thence S 59°41'34" E a distance of 113.07' to a point; thence S 11°16'02" W a distance of 90.56' to a point; thence S 32°45'38" E a distance of 48.03' to a point; thence S 70°11'55" E a distance of 78.57' to a point; thence S 54°06'26" E a distance of 48.64' to a point; thence S 26°57'56" E a distance of 182.07' to a point in the run of Jackey's Creek; thence with the run of Jackey's Creek the following courses and distances, S 70°27'28" W a distance of 151.66' to a point; thence S 57°36'29" W a distance of 159.71' to a point; thence N 79°17'39" W a distance of 3.38' to a point; thence N 86°54'52" W a distance of 25.18' to a point; thence N 55°05'08" W a distance of 40.39' to a point; thence N 46°52'56" W a distance of 53.32' to a point; thence N 80°49'33" W a distance of 49.97' to a point; thence S 58°31'03" W a distance of 65.03' to a point; thence S 46°24'02" W a distance of 81.40' to a point; thence N 85°20'53" W a distance of 56.99' to a point; thence N 60°37'53" W a distance of 160.69' to a point; thence N 45°16'51" W a distance of 79.03' to a point; thence N 33°30'10" W a distance of 151.30' to a point; thence N 72°01'15" W a distance of 41.14' to a point; thence S 87°16'57" W a distance of 251.42' to a point; thence S 62°59'32" W a distance of 55.02' to a point; thence S 59°07'51" W a distance of 119.15' to a point; thence S 73°41'11" W a distance of 136.71' to a point; thence S 36°22'17" W a distance of 89.80' to a point; thence S 68°31'07" W a distance of 59.42' to a point; thence N 75°22'49" W a distance of 60.66' to a point; thence N 70°56'49" W a distance of 152.72' to a point; thence N 83°18'35" W a distance of 59.12' to a point; thence S 81°02'52" W a distance of 97.27' to a point; thence S 76°47'06" W a distance of 48.75' to a point; thence S 68°21'41" W a distance of 147.54' to a point; thence S 53°59'33" W a distance of 47.52' to a point; thence S 42°07'04" W a distance of 168.39' to a point; thence S 80°16'14" W a distance of 237.17' to a point; thence S 51°38'00" W a distance of 71.59' to a point; thence S 43°06'32" W a distance of 177.81' to a point; thence S 57°38'45" W a distance of 72.18' to a point; thence S 84°38'23" W a distance of 82.04' to a point; thence N 63°51'08" W a distance of 74.24' to a point; thence N 70°23'35" W a distance of 119.98' to a point; thence S 63°14'57" W a distance of 157.90' to a point; thence N 55°28'15" W a distance of 172.61' to a point; thence S 32°33'07" W

a distance of 184.33' to a point; thence S 60°20'22" W a distance of 98.16' to a point; thence N 77°56'00" W a distance of 61.87' to a point; thence N 26°02'20" W a distance of 64.67' to a point; thence N 69°37'55" W a distance of 190.19' to a point; thence N 55°37'11" W a distance of 183.94' to a point; thence S 62°28'14" W a distance of 194.44' to a point; thence S 75°03'26" W a distance of 185.44' to a point; thence S 13°53'39" W a distance of 134.57' to a point; thence S 39°39'39" W a distance of 136.15' to a point; thence S 71°27'04" W a distance of 216.18' to a point; thence N 84°02'00" W a distance of 130.94' to a point; thence N 13°29'04" W a distance of 117.72' to a point; thence N 78°46'34" W a distance of 265.89' to a point; thence N 20°17'20" W a distance of 217.66' to a point; thence N 59°55'15" W a distance of 395.38' to a point; thence S 24°59'35" W a distance of 36.80' to a point; thence S 02°26'29" W a distance of 236.18' to a point; thence S 87°27'05" W a distance of 89.61' to a point; thence S 49°58'52" W a distance of 125.26' to a point; thence N 84°04'08" W a distance of 105.90' to a point; thence S 61°39'30" W a distance of 169.82' to a point; thence S 11°55'58" W a distance 125.31' to a point; thence S 50°34'55" W a distance of 131.22' to a point; thence S 09°52'33" W a distance of 137.05' to a point; thence S 69°28'00" W a distance of 99.41" to a point; thence N 76°05'55" W a distance of 330.63' to a point; thence N 30°39'28" W a distance of 209.98' to a point; thence N 60°30'10" W a distance of 83.34' to a point; thence N 19°19'46" W a distance of 265.51' to a point; thence N 31°45'11" W a distance of 124.91' to a point; thence N 86°03'50" W a distance of 63.45' to a point; thence N 37°59'03" W a distance of 105.41' to a point; thence N 09°01'35" W a distance of 98.19' to a point; thence N 29°22'59" W a distance of 144.55' to a point; thence N 55°41'45" W a distance of 161.81' to a point; thence N 40°28'46" W a distance of 138.50' to a point.

TRACT 3

196.63 Acre Tract

Beginning at the point of intersection of the Southern Right-of-Way line of Jackeys Creek Lane with the Western Right-of-Way line of River Road (N.C. Hwy. #133, 60 foot Right-of-Way); running thence, with the Western Right-of-Way line of River Road South 09 degrees 59 minutes 04 seconds East 50.21 feet, South 09 degrees 59 minutes 04 seconds East 1640.15 feet and South 08 degrees 45 minutes 54 seconds East 62.74 feet; running thence, South 80 degrees 41 minutes 05 seconds West 50.0 feet; thence, South 09 degrees 07 minutes 39 seconds East 50.0 feet; thence, North 80 degrees 44 minutes 29 seconds East 50.0 feet to a point in the Western Right-of-Way line of River Road; thence, continuing with the Western Right-of-Way line of River Road South 07 degrees 31 minutes 10 seconds East 86.38 feet, South 04 degrees 29 minutes 13 seconds East 99.19 feet, South 00 degrees 52 minutes 22 seconds East 98.93 feet, South 01 degrees 53 minutes 30 seconds West 99.18 feet, South 04 degrees 32 minutes 17 seconds West 99.22 feet, South 06 degrees 18 minutes 17 seconds West 99.47 feet, South 07 degrees 11 minutes 55 seconds West 335.03 feet; running thence, North 64 degrees 48 minutes 17 seconds West 439.05 feet, thence; South 27 degrees 44 minutes 22 seconds West 186.0 feet to a point in the run of Jackeys Creek; running thence, up

and with the run of Jackeys Creek the following bearings and distances: North 62 degrees 15 minutes 38 seconds West 706.33 feet, North 27 degrees 58 minutes 11 seconds West 50.37 feet, North 29 degrees 52 minutes 41 seconds East 133.63 feet, North 09 degrees 37 minutes 49 seconds West 60.75 feet, North 14 degrees 28 minutes 36 seconds West 345.07 feet, North 76 degrees 03 minutes 22 seconds West 49.74 feet, South 65 degrees 43 minutes 30 seconds West 458.88 feet, North 43 degrees 39 minutes 00 seconds West 96.00 feet, North 00 degrees 48 minutes 00 seconds East 88.0 feet, North 55 degrees 55 minutes 00 seconds East 172.00 feet, North 74 degrees 41 minutes 00 seconds East 97.00 feet, North 65 degrees 47 minutes 00 seconds East 107.0 feet, North 40 degrees 45 minutes 00 seconds East 83.00 feet, North 07 degrees 22 minutes 00 seconds East 52.0 feet, North 58 degrees 58 minutes 00 seconds West 48.0 feet, South 81 degrees 31 minutes 00 seconds West 285.0 feet, North 60 degrees 35 minutes 00 seconds West 71.0 feet, North 22 degrees 59 minutes 00 seconds West 79.0 feet, North 41 degrees 23 minutes 00 seconds East 155.0 feet, North 21 degrees 50 minutes 00 seconds East 36.0 feet, North 48 degrees 11 minutes 00 seconds West 201.0 feet, South 71 degrees 38 minutes 00 seconds West 40.0 feet, South 25 degrees 23 minutes 00 seconds West 82.0 feet, South 61 degrees 31 minutes 00 seconds West 82.0 feet, North 51 degrees 47 minutes 58 seconds West 40.23 feet, North 04 degrees 03 minutes 00 seconds West 115.0 feet, North 47 degrees 17 minutes 00 seconds West 127.0 feet, South 78 degrees 20 minutes 00 seconds West 91.0 feet, North 77 degrees 52 minutes 00 seconds West 62.0 feet, North 46 degrees 25 minutes 00 seconds West 112.0 feet, North 81 degrees 22 minutes 00 seconds West 176.0 feet, North 63 degrees 55 minutes 00 seconds West 70.0 feet, North 03 degrees 34 minutes 00 seconds East 90.0 feet, North 49 degrees 40 minutes 00 seconds West 88.0 feet, North 33 degrees 10 minutes 00 seconds West 175.0 feet, North 67 degrees 22 minutes 15 seconds West 64.49 feet, North 70 degrees 14 minutes 12 seconds West 55.44 feet, North 76 degrees 31 minutes 08 seconds West 59.59 feet, North 71 degrees 25 minutes 25 seconds West 59.55 feet, North 80 degrees 42 minutes 59 seconds West 54.27 feet, South 89 degrees 02 minutes 20 seconds West 56.85 feet, South 75 degrees 16 minutes 26 seconds West 37.96 feet, South 58 degrees 55 minutes 24 seconds West 47.56 feet, South 47 degrees 50 minutes 57 seconds West 44.91 feet, South 36 degrees 40 minutes 03 seconds West 59.53 feet, South 42 degrees 02 minutes 33 seconds West 59.58 feet, South 41 degrees 49 minutes 10 seconds West 62.33 feet, South 29 degrees 03 minutes 22 seconds West 46.55 feet, South 19 degrees 39 minutes 09 seconds West 56.76 feet, South 20 degrees 47 minutes 08 seconds West 46.67 feet, South 46 degrees 42 minutes 03 seconds West 21.07 feet, North 73 degrees 49 minutes 50 seconds West 26.97 feet, North 59 degrees 18 minutes 07 seconds West 45.78 feet, North 55 degrees 19 minutes 32 seconds West 65.69 feet, North 62 degrees 21 minutes 54 seconds West 63.78 feet, North 61 degrees 16 minutes 33 seconds West 47.69 feet, North 63 degrees 39 minutes 09 seconds West 55.08 feet, South 78 degrees 03 minutes 31 seconds West 32.45 feet, South 64 degrees 05 minutes 18 seconds West 47.91 feet, South 53 degrees 10 minutes 19 seconds West 52.82 feet, South 56 degrees 42 minutes 10 seconds West 29.09 feet, South 49 degrees 32 minutes

20 seconds West 51.40 feet, South 52 degrees 28 minutes 03 seconds West 48.82 feet, South 84 degrees 15 minutes 31 seconds West 42.84 feet, North 56 degrees 03 minutes 49 seconds West 45.91 feet, North 45 degrees 57 minutes 21 seconds West 52.95 feet, North 76 degrees 05 minutes 42 seconds West 46.53 feet, North 66 degrees 38 minutes 46 seconds West 47.0 feet, North 53 degrees 43 minutes 22 seconds West 32.82 feet, North 40 degrees 14 minutes 13 seconds West 28.10 feet, North 00 degrees 02 minutes 41 seconds East 39.96 feet, North 23 degrees 04 minutes 56 seconds East 45.03 feet, North 42 degrees 42 minutes 12 seconds East 49.31 feet, North 47 degrees 58 minutes 40 seconds East 58.59 feet, North 45 degrees 10 minutes 42 seconds East 59.41 feet, North 25 degrees 59 minutes 36 seconds East 37.24 feet, North 22 degrees 41 minutes 10 seconds East 43.65 feet, North 04 degrees 27 minutes 24 seconds East 33.97 feet, North 00 degrees 17 minutes 07 seconds East 20.38 feet, North 46 degrees 00 minutes 17 seconds West 29.83 feet, South 86 degrees 09 minutes 27 seconds West 36.01 feet, South 65 degrees 55 minutes 38 seconds West 51.05 feet, South 66 degrees 56 minutes 27 seconds West 66.42 feet, South 64 degrees 58 minutes 32 seconds West 72.46 feet, South 70 degrees 07 minutes 57 seconds West 47.65 feet, North 89 degrees 59 minutes 39 seconds West 38.54 feet, North 64 degrees 25 minutes 55 seconds West 41.08 feet, North 49 degrees 18 minutes 23 seconds West 36.28 feet, North 41 degrees 48 minutes 22 seconds West 46.04 feet, North 26 degrees 50 minutes 22 seconds West 54.85 feet, North 13 degrees 53 minutes 13 seconds West 46.23 feet, North 08 degrees 52 minutes 28 seconds West 46.90 feet, North 57 degrees 03 minutes 16 seconds West 29.17 feet, North 83 degrees 20 minutes 46 seconds West 39.01 feet, South 75 degrees 35 minutes 37 seconds West 49.89 feet, South 68 degrees 48 minutes 40 seconds West 46.52 feet, South 74 degrees 18 minutes 51 seconds West 77.01 feet, South 73 degrees 58 minutes 16 seconds West 54.56 feet, South 67 degrees 49 minutes 15 seconds West 39.61 feet, South 46 degrees 43 minutes 46 seconds West 74.02 feet, South 61 degrees 11 minutes 32 seconds West 34.67 feet, South 77 degrees 38 minutes 09 seconds West 18.18 feet, North 77 degrees 13 minutes 47 seconds West 42.66 feet, North 42 degrees 13 minutes 44 seconds West 29.27 feet, North 33 degrees 35 minutes 15 seconds West 39.64 feet, North 39 degrees 41 minutes 16 seconds West 25.38 feet, North 74 degrees 22 minutes 16 seconds West 35.42 feet, South 76 degrees 15 minutes 41 seconds West 47.04 feet, South 74 degrees 02 minutes 11 seconds West 44.93 feet and South 82 degrees 07 minutes 02 seconds West 105.98 feet to a run of a small branch; thence, up and with the run of said small branch the following bearings and distances: North 27 degrees 04 minutes 06 seconds West 179.79 feet, North 53 degrees 36 minutes 46 seconds West 47.14 feet, North 72 degrees 52 minutes 56 seconds West 81.08 feet, North 35 degrees 59 minutes 12 seconds West 44.71 feet, North 11 degrees 16 minutes 48 seconds East 96.59 feet, North 59 degrees 31 minutes 30 seconds West 116.53 feet, North 46 degrees 26 minutes 14 seconds West 69.26 feet, North 13 degrees 09 minutes 46 seconds West 181.80 feet, North 35 degrees 06 minutes 57 seconds West 93.93 feet, North 03 degrees 39 minutes 50 seconds West 63.01 feet, North 18 degrees 10 minutes 35 seconds East 83.99 feet, North 09 degrees 21 minutes 06 seconds West 58.27 feet, North 22 degrees

13 minutes 49 seconds West 57.03 feet, North 51 degrees 35 minutes 52 seconds West 114.05 feet, North 16 degrees 34 minutes 58 seconds West 64.45 feet, North 64 degrees 42 minutes 02 seconds West 76.96 feet, North 46 degrees 16 minutes 32 seconds West 47.15 feet, North 01 degrees 25 minutes 16 seconds West 56.61 feet, North 40 degrees 53 minutes 11 seconds West 101.95 feet, North 17 degrees 45 minutes 30 seconds West 46.09 feet, North 41 degrees 41 minutes 32 seconds West 225.43 feet, North 01 degrees 19 minutes 03 seconds East 97.04 feet, North 29 degrees 43 minutes 03 seconds West 39.22 feet, North 63 degrees 34 minutes 23 seconds West 43.77 feet, South 76 degrees 15 minutes 58 seconds West 45.04 feet, South 50 degrees 48 minutes 34 seconds West 49.61 feet, South 84 degrees 37 minutes 53 seconds West 147.47, North 74 degrees 48 minutes 50 seconds West 38.25 feet, North 34 degrees 07 minutes 54 seconds West 52.92 feet, North 05 degrees 49 minutes 20 seconds West 89.20 feet, North 08 degrees 40 minutes 51 seconds East 61.55 feet, North 08 degrees 40 minutes 51 seconds East 39.17 feet, North 31 degrees 45 minutes 07 seconds East 71.26 feet, North 41 degrees 57 minutes 23 seconds East 73.28 feet, North 27 degrees 18 minutes 21 seconds East 48.26 feet, North 06 degrees 33 minutes 15 seconds West 183.60 feet, North 23 degrees 07 minutes 03 seconds West 56.40 feet North 22 degrees 17 minutes 57 seconds East 56.72 feet, North 5 degrees 32 minutes 18 seconds West 54.65 feet, North 23 degrees 51 minutes 37 seconds East 126.35 feet, South 81 degrees 01 minutes 39 seconds East 612.65 feet, North 64 degrees 19 minutes 51 seconds East 46.99 feet, North 63 degrees 44 minutes 51 seconds East 60.82 feet, North 75 degrees 34 minutes 51 seconds East 74.10 feet, North 63 degrees 35 minutes 26 seconds East 172.58 feet, North 82 degrees 28 minutes 51 seconds East 30.23 feet, North 42 degrees 25 minutes 51 seconds East 106.23 feet, North 63 degrees 36 minutes 24 seconds East 17.90 feet, South 02 degrees 34 minutes 51 seconds West 300.58 feet, South 81 degrees 01 minutes 39 seconds East 1106.92 feet, South 02 degrees 35 minutes 56 seconds West 505.04 feet, North 85 degrees 57 minutes 30 seconds West 277.87 feet, South 29 degrees 08 minutes 29 seconds West 322.48 feet, South 57 degrees 02 minutes 18 seconds West 68.39 feet, South 30 degrees 39 minutes 25 seconds West 378.48 feet, South 60 degrees 14 minutes 26 seconds East 343.06 feet, South 36 degrees 03 minutes 17 seconds East 369.84 feet, South 24 degrees 27 minutes 10 seconds West 135.80 feet, South 31 degrees 44 minutes 49 seconds East 175.87 feet, North 66 degrees 38 minutes 19 seconds East 156.44 feet, North 40 degrees 13 minutes 14 seconds East 107.68 feet, South 44 degrees 47 minutes 07 seconds East 241.29 feet, North 79 degrees 18 minutes 57 seconds East 90.00 feet, South 87 degrees 08 minutes 54 seconds East 175.39 feet, North 26 degrees 30 minutes 42 seconds East 105.29 feet, North 16 degrees 35 minutes 15 seconds East 146.53 feet, North 54 degrees 53 minutes 57 seconds East 235.20 feet, South 75 degrees 51 minutes 27 seconds East 178.34 feet, North 58 degrees 33 minutes 46 seconds East 135.95 feet, North 77 degrees 35 minutes 09 seconds East 324.65 feet, South 74 degrees 28 minutes 02 seconds East 245.62 feet, South 57 degrees 13 minutes 04 seconds East 174.27 feet, North 54 degrees 59 minutes 15 seconds East 390.50 feet, South 24 degrees 46 minutes 05 seconds West 151.23 feet; South 03 degrees 00 minutes 30 seconds West 266.53

feet; South 24 degrees 39 minutes 35 seconds East 152.77 feet; South 30 degrees 35 minutes 55 seconds East 127.03 feet; South 06 degrees 19 minutes 10 seconds East 143.12 feet; South 65 degrees 38 minutes 20 seconds East 164.40 feet; South 27 degrees 55 minutes 55 seconds West 223.56 feet; South 53 degrees 48 minutes 05 seconds East 195.16 feet, North 78 degrees 50 minutes 35 seconds East 140.22 feet; South 63 degrees 57 minutes 12 seconds East 108.04 feet; North 72 degrees 55 minutes 43 seconds East 109.15 feet, South 69 degrees 32 minutes 04 seconds East 70.49 feet, South 28 degrees 51 minutes 28 seconds West 115.16 feet, South 08 degrees 06 minutes 07 seconds East 103.43 feet, South 49 degrees 54 minutes 22 seconds East 37.85 feet, South 19 degrees 57 minutes 07 seconds East 81.87 feet, South 35 degrees 44 minutes 16 seconds East 96.34 feet, South 53 degrees 44 minutes 46 seconds East 60.31 feet, South 82 degrees 18 minutes 40 seconds East 55.16 feet, North 65 degrees 40 minutes 39 seconds East 87.62 feet, North 49 degrees 35 minutes 56 seconds East 79.07 feet, North 38 degrees 27 minutes 23 seconds East 125.00 feet, North 37 degrees 53 minutes 55 minutes East 90.00 feet; North 37 degrees 01 minutes 15 seconds East 90.00 feet; North 23 degrees 02 minutes 56 seconds East 85.00 feet, North 15 degrees 28 minutes 05 seconds East 94.31 feet, North 23 degrees 22 minutes 35 seconds East 45.00 feet, North 19 degrees 01 minutes 51 seconds East 74.46 feet, North 19 degrees 01 minutes 51 seconds East 40.00 feet, North 02 degrees 02 minutes 37 seconds East 95.00 feet, North 02 degrees 16 minutes 50 seconds West 80.00 feet, North 03 degrees 38 minutes 52 seconds East 75.00 feet, North 10 degrees 01 minutes 38 seconds East 70.00 feet, North 19 degrees 53 minutes 49 seconds East 70.00 feet, North 17 degrees 07 minutes 56 seconds East 100.00 feet to a point in the southern right-of-way line of Jackeys Creek Lane; thence, with said right-of-way line South 83 degrees 07 minutes 02 seconds East 39.88 feet, North 87 degrees 43 minutes 15 seconds East 210.30 feet and North 85 degrees 14 minutes 46 seconds East 219.38 feet to the point of beginning. Containing 196.63 acres more or less.

TRACT 4
434.42 Acre Tract

MALLORY CREEK TRACT

BEGINNING at an iron on the western right-of-way of N.C. Highway 133, said iron in the southeastern corner of the 182.92 acre tract of land as shown on map cabinet 21 page 489, records of Brunswick County, North Carolina said point is also located N 12-38-38 E 1056.14 ft. from N.C. Grid Monument "Johnson 2 1965": Proceed from said point of beginning N 88-50-06 W 1623.42 ft. to a point, thence S 00-18-54 W 1883.38 ft. to a point, thence S 00-18-54 W 535.10 ft. to a point in the run of Mallory Creek thence with said run N 84-02-01 W 332.60 ft. thence N 80-40-52 W 270.44 ft. thence N 58-10-22 W 229.47 ft. thence N 87-57-51 W 422.73 ft. to a point thence N 46-13-07 W 834.16 ft., thence leaving said run N 19-45-19 E 630.58 ft. to a point, thence N 19-51-11 E 452.15 ft. to a point, thence N 19-09-36 E 334.18 ft. thence N

29-04-16 E 406.32 ft. to a point, thence N 42-00-23 E 236.01 ft. thence N 35-24-47 E 244.19 ft. thence N 25-21-40 E 539.09 ft. to a point, thence N 29-45-42 E 248.09 ft. thence N 13-46-11 E 258.70 ft. thence N 00-00-00 E 312.79 ft. thence N 21-37-41 W 292.35 ft. thence N 37-06-41 W 263.63 ft. thence N 51-21-33 W 328.47 ft. thence N 46-21-06 W 156.01 ft. thence N 21-48-53 W 193.32 ft. thence N 06-00-47 W 195.93 ft. thence N 00-00-00 E 67.11 ft. thence N 81-59-07 W 149.29 ft. thence S 90-00-00 W 265.54 ft. thence N 46-17-47 W 243.74 ft. thence N 30-17-57 W 128.13 ft. thence N 14-07-56 W 419.80 ft. thence N 04-42-40 W 405.48 ft. thence N 09-54-02 W 815.09 ft. to a point in the southern line of the Cameron Tract, thence with said southern line S 82-30-27 E 502.56 ft., thence S 83-03-58 E 1277.98 ft. thence S 83-40-32 E 1130.78 ft. thence S 84-19-00 E 59.29 ft., thence S 83-52-14 E 74.36 ft., thence S 83-52-57 E 1805.84 ft. to a point in the western line of N.C. Highway 133, thence with said right-of-way S 13-58-52 W 2047.09 ft. thence S 14-20-53 W 2425.42 ft. to the point of beginning and containing 434.42 acres as shown on map cabinet 21 page 489. All bearings are N.C. Grid NAD 1927.

TRACT 5

19.11 Acre Tract and 32.52 Acre Tract

CAMERON TRACT

BEGINNING at a point on the western right-of-way of N.C. Highway 133 said point is the southeastern corner of tract 3 map cabinet 19 page 461, records of Brunswick County, North Carolina: Proceed from said point of beginning and with the southern line of the Cameron Tract N 83-51-31 W 303.21 ft. to a point, thence leaving said southern line N 14-29-09 E 186.17 ft. thence N 17-54-33 E 128.08 ft. thence N 23-59-20 E 131.94 ft. thence N 28-29-02 E 125.64 ft. thence N 32-32-06 E 124.87 ft. thence N 36-49-12 E 125.41 ft. thence N 40-59-45 E 122.31 ft. thence N 44-13-11 E 117.03 ft. thence N 46-38-38 E 110.29 ft. thence N 47-35-06 E 261.58 ft. thence N 47-56-26 E 700.26 ft. thence N 47-57-15 W 160.97 ft. thence N 28-20-19 W 159.43 ft. thence N 23-56-09 W 200.83 ft. thence N 16-17-03 E 214.09 ft. thence N 59-50-03 E 169.28 ft. to a point in Jackeys Creek thence with said creek S 62-15-38 E 227.50 ft. to a point in the line of Creekside Estates, thence with the lines of Creekside Estates S 55-52-36 W 32.41 ft. thence S 55-52-36 W 72.88 ft. thence S 59-50-03 W 105.22 ft. thence S 16-17-03 W 60.97 ft. thence S 23-56-09 E 119.91 ft. thence S 28-20-19 E 117.17 ft. thence S 47-57-15 E 64.64 ft. thence S 47-57-15 E 34.07 ft. thence S 50-03-03 E 166.14 ft. thence S 58-10-05 E 183.13 ft. to a point on the western right-of-way of N.C. Highway 133, thence with said right-of-way S 44-56-16 W 145.32 ft. thence S 47-56-26 W 824.22 ft. thence S 47-35-06 W 258.19 ft. thence S 46-38-38 W 101.48 ft. thence S 44-13-11 W 102.24 ft. thence S 40-59-45 W 102.93 ft. thence S 36-49-12 W 103.25 ft. thence S 32-32-06 W 103.04 ft. thence S 28-29-02 W 103.26 ft. thence S 23-59-20 W 104.23 ft. thence S 17-54-33 W 103.18 ft. to the point of

beginning and containing 19.11 acres. All bearings are magnetic relative to map cabinet 19 page 461, Brunswick County Registry.

BEGINNING at a point in the Eastern Right-of-Way line of N.C. Hwy. #133, said Beginning point being located South 18 degrees 56 minutes 00 seconds West 29.27 feet and South 23 degrees 16 minutes 45 seconds West 118.46 feet as measured along the Eastern Right-of-Way line of N.C. Hwy. #133 from its point of intersection with the centerline of Rice Hope Run; running thence, from said Beginning point the following bearings and distances: North 72 degrees 26 minutes 42 seconds East 154.13 feet, South 01 degree 27 minutes 19 seconds East 99.83 feet, South 16 degrees 07 minutes 47 seconds West 100.23 feet, South 44 degrees 54 minutes 13 seconds West 99.62 feet, South 54 degrees 49 minutes 38 seconds West 56.37 feet, South 10 degrees 19 minutes 02 seconds East 98.02 feet, South 10 degrees 16 minutes 52 seconds East 114.98 feet, South 10 degrees 15 minutes 28 seconds East 99.97 feet, North 81 degrees 49 minutes 02 seconds East 449.97 feet to a point in the Western line of the old layout basin at the Western edge of the Brunswick River; thence, with the Western line of the old layout basin South 06 degrees 08 minutes 45 seconds West 93.36 feet and South 05 degrees 28 minutes 10 seconds East 1191.36 feet to a point; running thence, North 87 degrees 38 minutes 07 seconds West 990.89 feet, North 10 degrees 54 minutes 17 seconds West 48.52 feet and North 87 degrees 05 minutes 30 seconds West 200.17 feet to a point in the Eastern Right-of-Way line of N.C. Hwy. #133 (60 foot Right-of-Way); running thence, with the Eastern Right-of-Way line of N.C. Hwy. #133 North 10 degrees 59 minutes 59 seconds West 84.80 feet, North 11 degrees 35 minutes 52 seconds West 105.91 feet, North 11 degrees 19 minutes 30 seconds West 105.98 feet, North 11 degrees 10 minutes 51 seconds West 106.20 feet and North 06 degrees 51 minutes 28 seconds West 113.0 feet to a point; running thence, South 87 degrees 50 minutes 31 seconds East 210.39 feet; thence, South 82 degrees 35 minutes 13 seconds East 109.75 feet; thence, North 25 degrees 42 minutes 42 seconds East 128.69 feet; thence, North 46 degrees 21 minutes 13 seconds West 80.73 feet; thence, North 75 degrees 10 minutes 54 seconds West 111.57 feet; thence, North 17 degrees 30 minutes 27 seconds East 20.25 feet; thence, North 15 degrees 04 minutes 27 seconds East 98.56 feet; thence, North 22 degrees 32 minutes 09 seconds East 102.76 feet; thence, North 30 degrees 49 minutes 50 seconds East 44.46 feet; thence, North 57 degrees 00 minutes 58 seconds West 68.20 feet; thence, North 40 degrees 56 minutes 42 seconds East 102.89 feet; thence, North 40 degrees 17 minutes 54 seconds East 105.72 feet; thence, North 19 degrees 03 minutes 56 seconds West 152.10 feet to a point in the Eastern Right-of-Way line of N.C. Hwy. #133; running thence, with the Eastern Right-of-Way line of N.C. Hwy. #133 North 48 degrees 19 minutes 10 seconds East 177.32 feet, North 42 degrees 33 minutes 42 seconds East 136.13 feet, North 40 degrees 48 minutes 28 seconds East 90.25 feet and North 29 degrees 31 minutes 38 seconds East 135.54 feet to the point of Beginning, containing 32.52 acres more or less.

TRACT 6

87.35 Acre Tract

BEGINNING at a point in the Southeastern Right-of-Way line of U.S. Hwy. #17, (320 Right-of-Way), said point being located 138.57 feet as measured Southwestwardly along the Southeastern Right-of-Way line of U.S. Hwy. #17 from its point of intersection with the Western Right-of-Way line of Bridle Way (50 foot Right-of-Way), said point being the Northwest corner of Lot 27, Section 1, Snee Farm Subdivision as recorded in Map Cabinet Q, Page 386 of the Brunswick County Registry; running thence, from said Beginning point with the Western lines of Section 1, Snee Farm Subdivision South 41 degrees 55 minutes East 189.54 feet, South 23 degrees 57 minutes 15 seconds East 62.9 feet, South 31 degrees 34 minutes 45 seconds East 338.62 feet, South 56 degrees 03 minutes 45 seconds East 42.67 feet, South 31 degrees 59 minutes 45 seconds East 62.65 feet, South 76 degrees 50 minutes 45 seconds East 51.93 feet, South 19 degrees 54 minutes 45 seconds East 24.09 feet, South 56 degrees 47 minutes 45 seconds East 85.38 feet, South 22 degrees 22 minutes 45 seconds East 74.98 feet, South 28 degrees 45 minutes 45 seconds East 60.66 feet, and South 12 degrees 05 minutes 15 seconds West 20.0 feet; running thence, South 44 degrees 53 minutes 15 seconds West 416.54 feet; thence, South 43 degrees 39 minutes 15 seconds East 520.01 feet; thence, South 31 degrees 16 minutes 15 seconds East 878.02 feet; thence, South 74 degrees 25 minutes 45 seconds West 76.11 feet; thence, South 54 degrees 10 minutes 45 seconds West 87.58 feet; thence, South 58 degrees 22 minutes 45 seconds West 40.50 feet; thence, South 58 degrees 19 minutes 55 seconds West 51.82 feet; thence, South 40 degrees 16 minutes 39 seconds West 78.45 feet; thence, South 50 degrees 55 minutes 42 seconds West 210.96 feet; thence, South 37 degrees 18 minutes 09 seconds West 103.05 feet; thence, South 19 degrees 30 minutes 45 seconds West 110.7 feet; thence, South 16 degrees 10 minutes 45 seconds West 175.10 feet; thence, South 34 degrees 39 minutes 15 seconds East 151.20 feet; thence, South 06 degrees 40 minutes 45 seconds West 168.40 feet; thence, South 21 degrees 34 minutes 15 seconds East 108.90 feet; thence, South 68 degrees 24 minutes 15 seconds East 96.10 feet; thence, South 26 degrees 25 minutes 45 seconds West 125.10 feet; thence, South 06 degrees 24 minutes 15 seconds East 153.80 feet; thence, South 15 degrees 45 minutes 45 seconds West 105.60 feet; thence, South 83 degrees 15 minutes 45 seconds West 212.10 feet; thence, North 55 degrees 39 minutes 15 seconds West 195.70 feet; thence, North 52 degrees 34 minutes 15 seconds West 137.50 feet; thence, South 74 degrees 10 minutes 45 seconds West 119.80 feet; thence, South 59 degrees 25 minutes 45 seconds West 75.20 feet; thence, North 68 degrees 09 minutes 15 seconds West 150.30 feet; thence, North 43 degrees 49 minutes 15 seconds West 135.20 feet; thence, North 12 degrees 24 minutes 15 seconds West 138.70 feet; thence, North 60 degrees 59 minutes 15 seconds West 304.20 feet; thence, North 67 degrees 46 minutes 50 seconds West 121.09 feet; thence, North 25 degrees 27 minutes 33 seconds West 358.18 feet; thence, North 55 degrees 30 minutes 32 seconds West 136.24 feet and North 57 degrees 06 minutes 22 seconds West 96.17 feet to a point in the run of a small branch; thence, up and with the run of said small

branch North 04 degrees 26 minutes 17 seconds West 108.73 feet, North 44 degrees 10 minutes 28 seconds East 176.23 feet, North 16 degrees 19 minutes 33 seconds East 217.33 feet, North 16 degrees 44 minutes 28 seconds East 71.79 feet, North 31 degrees 32 minutes 28 seconds East 185.99 feet, North 01 degrees 12 minutes 13 seconds East 40.83 feet; thence, South 70 degrees 34 minutes 26 seconds East 141.50 feet; thence, South 02 degrees 16 minutes 58 seconds West 63.36 feet; thence, South 77 degrees 26 minutes 31 seconds East 157.00 feet; thence, North 74 degrees 45 minutes 24 seconds East 123.73 feet; thence, North 60 degrees 03 minutes 26 seconds East 90.00 feet; thence, North 13 degrees 42 minutes 39 seconds East 75.67 feet; thence, North 61 degrees 00 minutes 22 seconds East 202.13 feet; thence, North 25 degrees 19 minutes 59 minutes 59 seconds West 12.00 feet; thence, North 25 degrees 43 minutes 12 seconds East 181.69 feet; thence, North 38 degrees 37 minutes 00 seconds West 674.09 feet; thence, North 20 degrees 27 minutes 48 seconds West 153.65 feet; thence, North 32 degrees 01 minutes 19 seconds West 101.97 feet; thence, North 18 degrees 53 minutes 13 seconds West 184.53 feet; thence, North 21 degrees 17 minutes 42 seconds West 48.17 feet; thence, North 01 degrees 40 minutes 13 seconds East 155.90 feet; thence North 10 degrees 49 minutes 52 seconds West 37.10 feet; thence, North 22 degrees 21 minutes 41 seconds West 84.84 feet; thence, North 32 degrees 25 minutes 28 seconds West 108.79 feet; thence, North 43 degrees 34 minutes 40 seconds West 142.47 feet to a point in the Southeastern Right-of-Way line of U.S. #17; running thence with said line North 37 degrees 14 minutes 45 seconds East 189.88 feet; thence continuing with said line North 42 degrees 45 minutes 00 seconds East 398.95 feet; thence continuing with said line 50 degrees 45 minutes 30 seconds East 104.10 feet to the point of Beginning containing 87.35 acres more or less.

SECTION 2. This act is effective when it becomes law, but does not affect the validity of any tax liens for the 2001-2002 fiscal year, and ad valorem taxes for that fiscal year shall remain payable as if this act had not been enacted.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 118 A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BRUNSWICK.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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)

2/15/01

HOUSE JOINT RESOLUTION 1456

Sponsors: Representatives Howard; Hill, McComas, Nye, Redwine, Wright, and Luebke.

Referred to: Rules, Calendar, and Operations of the House.

June 4, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME.

Whereas, Wilver Dornell "Willie" Stargell was born on March 6, 1940, in Earlsboro, Oklahoma, and grew up in Oakland, California; and

Whereas, Willie Stargell played baseball for Santa Rosa Junior College in California prior to signing with the Pittsburgh Pirates; and

Whereas, Willie Stargell played for the Pirates from 1962 until his retirement in 1982; and

Whereas, during his career, Willie Stargell played 2,360 games and amassed a long list of impressive statistics, including seven appearances in National League All-Star games, 475 homeruns, 1,540 runs, and a .282 lifetime batting average; and

Whereas, Willie Stargell helped his team win National League pennants and World Series championships in 1971 and 1979 and six National League East titles between 1970 and 1979; and

Whereas, in 1979, at the age of 39, Willie Stargell received three Most Valuable Player (MVP) awards: National League MVP for the regular season, which he shared with Keith Hernandez; National League MVP for the playoffs; and World Series MVP; and

Whereas, Willie Stargell holds the record for the oldest player to win an MVP award; and

Whereas, in 1979, Willie Stargell was named The Sporting News Man of the Year and the Sports Illustrated Man of the Year, an honor he shared with Terry Bradshaw; and

Whereas, following his retirement as a baseball player, Willie Stargell held various positions with the Pirates and the Atlanta Braves; and

Whereas, in 1988, his first year of eligibility, Willie Stargell was inducted into the Baseball Hall of Fame; and

Whereas, Willie Stargell inspired and mentored his teammates and was nicknamed "Pops" due to his fatherly presence; and

Whereas, Willie Stargell was admired and loved by thousands of fans, who remained loyal to the popular athlete after he retired from baseball; and

Whereas, on April 9, 2001, the Pirates unveiled a 12-foot bronze statue of Willie Stargell at the team's new ballpark, PNC Park; and

Whereas, Willie Stargell gave freely to many causes and organizations over the years; and

Whereas, Willie Stargell died on April 9, 2001, in Wilmington, North Carolina; and

Whereas, Willie Stargell is survived by his wife, Margaret Weller-Stargell; his children: Precious Stargell, Dawn Stargell Moore, Wendy Stargell, Kelli Stargell, and Wilver Stargell, Jr.; his mother; a sister; and five grandchildren; and

Whereas, Willie Stargell was a proud member of the Caesar Bruner Band of the Seminole Nation of Oklahoma; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Wilver Dornell "Willie" Stargell and expresses the gratitude and appreciation of this State and its citizens for his life and the joy he brought to the game of baseball.

SECTION 2. The General Assembly extends its deepest sympathy to the family of Wilver Dornell "Willie" Stargell for the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Wilver Dornell "Willie" Stargell.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1456 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 178*

Children & Human Resources Committee Substitute Adopted 3/29/01

Short Title: Adult Care Home Assessment. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

Whereas, the number of persons who are considering residency in adult care homes is increasing; and

Whereas, when choosing among available adult care homes, persons who need the care and services provided by these facilities often do not know how to evaluate and compare the physical plant, care, and services provided, and costs associated with residency; and

Whereas, an evaluation method for adult care homes would enable consumers of adult care home services to determine the extent to which quality of care and physical plant standards have been met by the facility before deciding whether to reside there; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Health and Human Services shall develop an assessment instrument that will enable residents of adult care homes, and their families, to determine the extent to which the facility provides quality care. The assessment shall be conducted by the State or local government. The instrument shall address discreet areas of care, services, and physical plant amenities and conditions. The Department shall consult with industry representatives, advocacy and research organizations, and consumers in developing the assessment instrument.

SECTION 2. The Department of Health and Human Services shall report on the development of the assessment instrument to the North Carolina Study Commission on Aging on or before November 1, 2001. The report shall include a recommendation on whether the assessment should be conducted by the State or by local government. The Department may conduct a pilot test of the assessment in selected adult care homes that have agreed to participate. If a pilot test is conducted, the Department shall report

the results of the pilot test to the North Carolina Study Commission on Aging not later than April 1, 2002.

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 420

State and Local Government Committee Substitute Adopted 4/25/01

Short Title: Rocky Mount Police Officer Residency. (Local)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina enacts:

SECTION 1. Section 140(a) of the Charter of the City of Rocky Mount, being Chapter 938 of the 1963 Session Laws, as amended by Chapter 427 of the 1969 Session Laws, reads as rewritten:

"(a) The City Manager shall appoint the Chief of Police. The Chief of Police, acting under the City Manager, shall appoint the other police officers of the City and shall have supervision and control of the police force and shall enforce discipline therein. ~~Police officers shall be residents of Nash or Edgecombe Counties, but need not be residents of the City.~~"

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 420

State and Local Government Committee Substitute Adopted 4/25/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S420-CSST-58 [v.1]

7/24/2001 9:44:05 AM

Short Title: Rocky Mount/Perquimans Local Act. (Local)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Section 140(a) of the Charter of the City of Rocky Mount, being Chapter 938 of the 1963 Session Laws, as amended by Chapter 427 of the 1969 Session Laws, reads as rewritten:

"(a) The City Manager shall appoint the Chief of Police. The Chief of Police, acting under the City Manager, shall appoint the other police officers of the City and shall have supervision and control of the police force and shall enforce discipline therein. ~~Police officers shall be residents of Nash or Edgecombe Counties, but need not be residents of the City.~~"

SECTION 2. It is unlawful to hunt with a center-fired rifle except from a stand at least eight feet above ground level.

SECTION 3. It is unlawful to hunt on the land of another without the written permission of the owner or lessee of the land, dated for the current hunting season.

SECTION 4. Penalties for violation of Section 2 or 3 of this act are those provided in G.S. 113-135(a).

SECTION 5. Sections 2 and 3 of this act are enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

SECTION 6. Section 1 of this act applies only in the City of Rocky Mount. Sections 2 through 4 of this act apply only to Perquimans County.

SECTION 7. Section 1 of this act is effective when it becomes law. Sections 2 through 5 of this act become effective October 1, 2001. The remainder of this act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the house**.

☒ Committee Substitute for
S.B. 420 A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 7-24-01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Cam Cover	BPM PC
Margaret Westbrook	Kennedy Covington
John Rust	NCFPD
Katie Mills	Culpepper's Intern
John Goodman	Linwood Mercer & Assoc.
Bill Duffy	Asst. Bo
Paul Coble	City of Hickory
Bob Cox	Mecklenburg Cnty
Brian Francis	
Dean Proctor	Hickory

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JULY 25, 2001
3:35 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 398 –LIFT UNDUE FAMILY HARDSHIP SUNSET

SB 255 – MIDLAND CHARTER AMENDMENTS -

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

July 25, 2001

The Committee on Rules, Calendar and Operations of the House met on July 25, 2001 at 3:35 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Allred, Barefoot, Barnhart, Crawford, Culp, Gibson, Gulley, Hill, Justus, Luebke, McComas, McCombs, McMahan, Morgan, Rogers, Setzer, Sherrill, Thompson and Yongue.

The following bills were considered:

SENATE BILL 398 – AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA. A proposed House committee substitute was offered changing the title to AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS. Representative Crawford moved for adoption of the proposed House committee substitute for purposes of discussion. Without objection, the chairman so ordered. The proposed committee substitute relates to legislation enacted in 1998 to regulate what is referred to as "payday lending." The proposed committee substitute would extend a sunset provision in the current law from July 31, 2001 to August 31, 2001 in order for time to be given to the Committee on Financial Institutions to consider related legislation. Representative Justus made a motion that the House proposed committee substitute be reported without prejudice, unfavorable as to the original Senate bill. The motion carried.

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 255 – AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND. A proposed House committee substitute #2 was offered changing the title to AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND AND TO ALLOW THE TOWN OF ELON TO EXERCISE PLANNING JURISDICTION OVER A DESCRIBED AREA SUBJECT TO A REFERENDUM. Representative Barefoot moved for adoption of the proposed House committee substitute #2 for purposes of discussion. Without objection, the chairman so ordered. Representative Allred was recognized to speak on the proposed committee substitute. He stated that the proposed committee #2 would allow the Town of Elon to extend its extraterritorial jurisdiction; be allowed to immediately impose zoning; be required to have a public hearing within 90 days to adopt a regular zoning ordinance; and be subject to a referendum on November 6, 2001. If, after that date, 35% of the residents of the zoned area petitioned for a referendum, the referendum would be allowed at the next general election on the issue of the continued zoning by the Town of Elon. In the event that the Ossineke Sanitary District should become a town, it would be allowed to zone the area within one mile of its city limits. Following comments and questions by members of the committee, Representative

Representative Luebke made a motion that the proposed House committee substitute #2 be reported without prejudice, unfavorable as to House committee substitute #1.

There being no further business, the meeting adjourned at 3:50 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 398

Short Title:	Lift Undue Family Hardship Sunset.	(Public)
Sponsors:	Senators Foxx; Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Hartsell, Horton, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Reeves, Rucho, Warren, Webster, Weinstein, and Wellons.	
Referred to:	Commerce.	

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5 of S.L. 1999-196 reads as rewritten:

"Section 5. This act becomes effective July 1, 1999, and applies to unemployment insurance claims filed on or after that date. ~~This act expires June 30, 2001.~~"

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 398
PROPOSED HOUSE COMMITTEE SUBSTITUTE S398-PCS9318-RW-48

Short Title: Check Casher Act Sunset Extended. (Public)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of S.L. 1997-391 reads as rewritten:

"Section 3. This act becomes effective October 1, 1997, and the provisions of G.S. 53-281 shall expire on ~~July 31, 2001.~~August 31, 2001."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 398 A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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.

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 255*

Finance Committee Substitute Adopted 3/8/01
House Committee Substitute Favorable 7/17/01

Short Title: Midland Charter Amendments. (Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Midland:

All that certain tract of land containing thirty (30) acres, known as a part of the Mack F. Sossoman Place in Number 10 Township, Cabarrus County, North Carolina on the Pine Bluff Church Road as shown on plat by Reece I. Long dated 1937 showing metes and bounds as follows:

Beginning at an iron pin on the East bank of Pine Bluff Church Road (said iron stake being the Northeast corner of William E. Honeycutt's 36.9 acre tract) and runs with the said Pine Bluff Church Road N4°30' W538 feet to an iron stake on the West bank of Pine Bluff Church Road, an old corner; thence N64°30' W40 feet to a Post Oak, an old corner of Lawrence McInnis land; thence with McInnis line N65°0' W1238.5 feet to an iron stake; thence N65° W375 feet to an iron stake; thence with C.L. Voncannon's line S20°30' W616 feet to an iron stake, Voncannon's corner; thence S19°30' W560 feet with the line of C. Everette Voncannon to an iron stake on line of William E. Honeycutt's land; thence with three lines of Honeycutt as follows: First, N49°45' W219 feet to a stake; Second, S62°30' E427.5 feet to a stake; Third, S 84°45' E1024.0 feet to the point of beginning.

SECTION 2. Real and personal property in the territory annexed pursuant to this act is subject to municipal taxes as provided in G.S. 160A-58.10.

SECTION 3. This act becomes effective July 31, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 255*

Finance Committee Substitute Adopted 3/8/01
House Committee Substitute Favorable 7/17/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S255-PCS6338-ST-59

Short Title: Midland/Elon Local Act. (Local)

Sponsors:

Referred to:

February 27, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND AND TO ALLOW THE TOWN OF ELON TO EXERCISE PLANNING JURISDICTION OVER A DESCRIBED AREA SUBJECT TO A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. The following described property is added to the corporate limits of the Town of Midland:

All that certain tract of land containing thirty (30) acres, known as a part of the Mack F. Sossoman Place in Number 10 Township, Cabarrus County, North Carolina, on the Pine Bluff Church Road as shown on plat by Reece I. Long dated 1937 showing metes and bounds as follows:

Beginning at an iron pin on the East bank of Pine Bluff Church Road (said iron stake being the Northeast corner of William E. Honeycutt's 36.9 acre tract) and runs with the said Pine Bluff Church Road N4°30' W538 feet to an iron stake on the West bank of Pine Bluff Church Road, an old corner; thence N64°30' W40 feet to a Post Oak, an old corner of Lawrence McInnis land; thence with McInnis line N65°0' W1238.5 feet to an iron stake; thence N65° W375 feet to an iron stake; thence with C.L. Voncannon's line S20°30' W616 feet to an iron stake, Voncannon's corner; thence S19°30' W560 feet with the line of C. Everette Voncannon to an iron stake on line of William E. Honeycutt's land; thence with three lines of Honeycutt as follows: First, N49°45' W219 feet to a stake; Second, S62°30' E427.5 feet to a stake; Third, S 84°45' E1024.0 feet to the point of beginning.

SECTION 2. Real property and personal property in the territory annexed pursuant to Section 1 of this act are subject to municipal taxes as provided in G.S. 160A-58.10.

SECTION 3.(a) The Town of Elon may exercise the powers granted by Article 19 of Chapter 160A of the General Statutes in the following described area: BEGINNING at a point in the line between Guilford County and Alamance County, the said point being 400 feet north of the center of South Church Street (U.S. 70) and running thence along the agreement line between the City of Burlington and the Town of Elon to a point in the northern right-of-way line of MacArthur Lane; thence in a northerly direction with the eastern line of Parcel 4G as shown on Alamance County Tax Map 3-5, 915.29 feet to the said Parcel 4G's northeast corner; thence in a northerly direction along the rear lines of Parcels No. 4H and No. 4J as shown on Alamance County Tax Map No. 3-5, 1,268.16 feet to the northwest corner of said Parcel No. 4J; thence continuing in a northerly direction 200 feet to the MacArthur Lane Sanitary Sewer Outfall; thence in a northwesterly direction, with the center of MacArthur Lane Sanitary Sewer Outfall approximately 4,145 feet to the Dry Creek Sanitary Sewer Outfall; thence in an easterly direction with the center of Dry Creek Sanitary Sewer Outfall to the rear corner between Parcel No. 66 and Parcel No. 65 as shown on Alamance County Tax Map No. 3-2, an approximate distance of 1,150 feet; thence in a northeasterly direction along the rear lines of Parcel Numbers 65, 64, and 67 as shown on Alamance County Tax Map No. 3-2, 420.3 feet to Parcel No. 17 as shown on Alamance County Tax Map No. 3-1; thence in a northeasterly direction along the western property lines of Parcel Numbers 17 and 18 (crossing N.C. 1529) as shown on Alamance County Tax Map 3-1, approximately 2,700 feet to the Haw River; running thence along the center of Haw River in a northwesterly direction as it meanders approximately 14,300 feet to a point in the center of Haw River; thence crossing Haw River in a westerly direction approximately 145 feet to a point on the west bank of Haw River and corner between Parcel Nos. 21 and 43 of Tax Map 3-52; running thence along the northern line of Parcel Nos. 19 and 21 of Tax Map 3-52 point 1,375.01 feet to a point corner between Parcel Nos. 19 and 43 of Tax Map 3-52 and in the eastern line of Parcel No. 34 of Tax Map 3-52A; running thence along the eastern line of Parcel No. 34 of Tax Map 3-52A in a northerly direction 194.16 feet to a point and being the northeast corner of Parcel No. 34 of Tax Map 3-52A; running thence along the northern line of Parcel Nos. 34, 33, 30, and 72 of Tax Map 3-52A in a westerly direction approximately 2,600 feet to a point corner with Parcel No. 18E; running thence along the eastern line of Parcel No. 18E in a northwesterly direction to a point; running thence along the northwestern line of Parcel No. 18E of Tax Map 3-52 in a southwesterly direction to a point in the center of NC Highway No. 87; running thence along the center of NC Highway No. 87 in a northwesterly direction approximately 400 feet to a point corner with Ossipee Sanitary District; running thence along the Ossipee Sanitary District 445.25 feet to a point in the line of Parcel No. 40 of Tax Map 3-52; thence continuing along the Ossipee Sanitary District line in a northerly direction approximately 140 feet to a point corner between Parcel Nos. 40 and 5B of Tax Map 3-52; running thence along the southern line of Parcel No. 5B in a northwesterly direction 907.7 feet to a point in the center of Elon-Ossipee Road; thence along the center of Elon-Gibsonville Road approximately 100 feet to a point; thence running along the northern line of Parcel No. 4

of Tax Map 3-52 in a westerly direction approximately 1,262 feet to a point in the Guilford County line; running thence along the Guilford County line in a southerly direction to a point in the center of Midway Church Road; running thence along the center of Midway Church Road in an easterly direction to the centerline intersection of Midway Church Road and Gibsonville-Ossipee Road; running thence along the center of Gibsonville-Ossipee Road in a southerly direction where it intersects the Town of Gibsonville ETJ line; running thence along the ETJ line between the Town of Gibsonville and the Town of Elon to the POINT OF BEGINNING.

SECTION 3.(b) In exercising the powers granted by subsection (a) of this section, the Town of Elon need not follow the procedural requirements of G.S. 160A-360(a1), 160A-364, or 160A-384 or any statute other than G.S. 160A-75 in the initial adoption of a zoning ordinance, but any such ordinance shall expire 90 days after its adoption and any zoning ordinance to apply after the expiration of that period must be adopted in accordance with those statutes.

SECTION 3.(c) The Alamance County Board of Elections shall conduct an election on November 6, 2001, in the described area on the question of continued exercise of planning jurisdiction by the Town of Elon in that area. The election shall be conducted in accordance with Chapter 163 of the General Statutes. At that election, unless a majority of the votes cast are in favor of the question of continued exercise of planning jurisdiction by the Town of Elon in that area, the jurisdiction of the city is relinquished as of the date of certification of the election results, and the provisions of G.S. 160A-360(f1) apply.

SECTION 3.(d) Upon the petition of thirty-five percent (35%) of the registered voters in the area described in subsection (a) of this section, the Alamance County Board of Elections shall conduct an election in the described area on the question of continued exercise of planning jurisdiction by the Town of Elon in that area. The election shall be held on the date of the next statewide general election which occurs more than 90 days after the petition is submitted. At that election, unless a majority of the votes cast are in favor of the question of continued exercise of planning jurisdiction by the Town of Elon in that area, the jurisdiction of the city is relinquished as of the date of certification of the election results, and the provisions of G.S. 160A-360(f1) apply.

SECTION 3.(e) In the event that the Ossipee Sanitary District is dissolved and the Town of Ossipee is simultaneously incorporated under G.S. 130A-81, it may exercise authority under G.S. 160A-360 up to one mile outside the corporate limits; in any case where any of the area described in Section 2(a) of this act is coterminous with the area within one mile of the Town of Ossipee, the jurisdiction of the Town of Ossipee shall prevail.

SECTION 4. Sections 1 and 2 of this act apply to the Town of Midland only. Section 3 of this act applies to the Town of Elon only.

SECTION 5. This act becomes effective July 31, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ HouseCommittee Substitute for
S.B. 255 A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

7/25/01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Emily Fulghum	Smith-Anderson
DAVID BARNES	Poyner + Spruill, LLP
BILL SCOGGIN	KENNEDY COVINGTON
Steve Woodson	NC Farm Bureau
John Rust	NCFPC
Lenne Winn	NCAWA
Bob Ross	ACLU
DAMICO	W-S Journal
J Bruce	NCAHP
K J Rogers	DENR
Gary McCall	CCPS
Gary Robertson	AP
John Phelps	NCLM
Ron Mecimore	Poyner & Spruill
Jenny Hamlin	Bond Thornton

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
JULY 26, 2001
1:35 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 34 – CONTINUE STATE BUDGET

ADJOURNMENT

MINUTES
HOUSE COMMITTEE ON
RULES, CALENDAR AND OPERATIONS OF THE HOUSE
July 26, 2001

The House Committee on Rules, Calendar and Operations of the House met Thursday, July 26, 2001, in Room 421 in the Legislative Office Building. The following members were present: Representative Culpepper, Chair; Representatives Allen, Barefoot, Barnhart, Buchanan, James Crawford, Culp, Gulley, Hill, Jarrell, Justus, McComas, McCombs, Rogers, Setzer, Sherrill, Thompson and Yongue; and Baddour, exoffico member. Representative Culpepper called the meeting to order at 1:35 p.m. to consider Senate Bill 34 – CONTINUE STATE BUDGET. A proposed House committee substitute for Senate Bill 34 was offered and without objection it was properly before the committee for consideration.

Representative Redwine was recognized to explain the House committee substitute. **Part I** extends the date for the continuation budget to August 29, 2001. **Part II** appropriates $36 million for the 2001-2002 fiscal year to be used to fund the State Employee Health Benefit Plan's cash requirements. This is in addition to the $150,000 in the budget bill. **Part III** extends the established payments for medical treatments and services to workers' compensation patients. **Part IV** clarifies that statutory salary increases are frozen until authorized by the General Assembly. **Part V** is a new provision added by the House. It provides that the Department of Administration and the Department of Correction may contract for the construction of three new close-custody correctional facilities in Anson, Alexander and Scotland Counties. Representative Redwine told the committee that the bids submitted by the selected vendor would expire August 8, 2001. There would be a savings of approximately $5 million if this provision was approved and there was a real need for the additional beds.

Representative Rogers asked if the frozen statutory salaries would be retroactive after the budget was passed. Representative Redwine said that they would be retroactive depending on the salary amounts approved in the budget.

Representative Allred asked if the provision prohibited the use of salary reserves to be used for reclassification of salaries. Chairman Culpepper recognized Mark Trogdon, Fiscal Research Division, for a response. He said the last part of the provision would prohibit using salary reserves for reclassifications.

Representative Buchanan moved for a favorable report to the House committee substitute and an unfavorable report to Senate Bill 34. Motion carried

Meeting adjourned at 1:45 p.m.

Representative Bill Culpepper, Chair

Anne M. Cole

Anne M. Cole, Acting Committee Assistant

Attachments
Visitor Registration Sheet
House Committee Substitute for SB 34
Committee Report

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 34

Short Title:	Blank Appropriations Bill-2.	(Public)
Sponsors:	Senator Odom.	
Referred to:	Rules and Operations of the Senate.	

February 5, 2001

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. This act becomes effective July 1, 2001.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 34
PROPOSED HOUSE COMMITTEE SUBSTITUTE S34-PCS9322-LH-26

Short Title: Continue State Budget. (Public)

Sponsors:

Referred to:

February 5, 2001

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION.

The General Assembly of North Carolina enacts:

PART I. EXTEND CONTINUING BUDGET AUTHORITY.

SECTION 1. Section 8 of S.L. 2001-250, as amended by S.L. 2001-287, reads as rewritten:

"**SECTION 8.** Except as otherwise provided, this act becomes effective July 1, 2001. This act expires ~~July 31, 2001.~~August 29, 2001."

PART II. APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN.

SECTION 2. There is appropriated from the General Fund to the State Employee Health Benefit Plan the sum of thirty-six million dollars ($36,000,000) for the 2001-2002 fiscal year to be used to fund the Plan's cash requirements.

PART III. EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS.

SECTION 3. Section 2 of S.L. 2001-253 reads as rewritten:

"**SECTION 2.** Notwithstanding G.S. 97-26, payment for medical treatment and services rendered to workers' compensation patients by a hospital on or after July 1,

2001, and before ~~August 1, 2001,~~ September 1, 2001, shall be equal to the payment the hospital would have received for such treatment and services on June 30, 2001."

PART IV. CLARIFY STATUTORY SALARY INCREASES.

SECTION 4. Section 3 of S.L. 2001-250 reads as rewritten:

"**SECTION 3.** The salary schedules and specific salaries established for the 2000-2001 fiscal year by or under S.L. 2000-67 for offices and positions shall remain in effect until the effective date of the Current Operations and Capital Improvements Appropriations Act of 2001.

Notwithstanding G.S. 7A-102(c), 7A-171.1, 20-187.3, and any other provision of law, ~~Teachers~~ teachers and all other State-funded employees shall not move up on ~~these~~ salary schedules or receive automatic, annual, performance, ~~merit,~~ or merit increases, statutory salary increases, or any other salary increments until authorized by the General Assembly."

PART V. AUTHORIZE PRISON CONSTRUCTION.

SECTION 5. The Department of Administration and the Department of Correction may contract for the construction of three new close-custody correctional facilities. The contract price for the three prisons shall not exceed the total bid price submitted by the selected vendor on April 17, 2001. The sites for the three prisons shall be Anson, Alexander, and Scotland Counties. The final contract proposal for the three prisons shall be subject to review and approval of the Council of State.

PART VI. EFFECTIVE DATE.

SECTION 6. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☒ Committee Substitute for
S.B. 34 A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; AND TO CLARIFY STATUTORY SALARY INCREASES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill (#——→), ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

House Rules — 7-26-01
Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Margaret Westbrook	Kennedy Covington
Robin Pratt	NCASA
Linda Suggs	NCASA
Martha Glass	DOT
Stacy Flannery	NCHCFA
Barbara Candler	MFSS, PA
Tim Minton	NC Hotel Builders Association
Gene Causby	NCSFSA
VL McBride	NCTA
Linda Duggan	NCASA
Michelle Fraley	NC Bar Assoc.
Frankie Treadaway	Govt affairs
Brian Francis	Meck County
Natalie English	Charlotte Chamber
Katie Mills	Culpepper's Intern
Rick Sapp	NCDOT
Andrew Hainsworth	UNCA, IOG Intern, Rep Luebke
Carol Lauer	EGHS
Amy Hobbs	NCHMA
Mark Lanier	UNCW

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
AUGUST 8, 2001
4:20 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SENATE JOINT RESOLUTION 1103 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

August 8, 2001

The Committee on Rules, Calendar and Operations of the House met on August 8, 2001 at 4:20 p.m. in the House Conference Room. The following members were present: Representatives Culpepper, Allen, Barefoot, Boyd-McIntyre, Buchanan, Hill, McCombs, and Setzer.

The following bill was considered:

SENATE JOINT RESOLUTION 1103 - A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE. The chairman gave a brief summary of the resolution and asked for a motion. Representative Allen moved that the resolution be given a favorable report, which motion carried.

There being no further business, the meeting adjourned at 4:25 p.m.

Representative ~~Bill~~ Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE JOINT RESOLUTION 1103

Sponsors: Senators Clodfelter, Bingham, and Cunningham.

Referred to: Rules and Operations of the Senate.

August 2, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE.

Whereas, John W. Thomas, a member of the State Senate in the 1800s, helped pioneer the construction of the first railroad across North Carolina by vigorously working to get the North Carolina Railroad Act enacted in the General Assembly; and

Whereas, in 1852, John W. Thomas purchased land in Davidson County on the adopted route of the railroad paving the way for the establishment of a new town; and

Whereas, the Town of Thomasville was incorporated by the General Assembly in 1857; and

Whereas, by the 1860s, the Town of Thomasville was flourishing due in part to the number of businesses that manufactured wooden household furniture; and

Whereas, the first chair factory in North Carolina was built in Thomasville; and

Whereas, the Town's leading manufacturer, Thomasville Furniture Industries, has made the name "Thomasville" famous around the world; and

Whereas, tourists are attracted to Thomasville because of the many products produced in the Town, the restored railroad station, which is the oldest still standing in North Carolina, and the "Chair of Thomasville", an 18-foot chair on a 12-foot base located in the center of downtown; and

Whereas, the Chair of Thomasville is a reproduction of a Duncan Phyfe dining room chair and serves as a symbol of and a salute to the local furniture industry; and

Whereas, Thomasville remains a center of furniture manufacturing in the world; and

Whereas, with a population of 20,000, Thomasville is one of North Carolina's leading municipalities; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

SECTION 1. The General Assembly honors the memory of John W. Thomas for the valuable service he rendered North Carolina and for his vision in establishing the Town of Thomasville.

SECTION 2. The General Assembly extends its sincere congratulations and best wishes to the Town of Thomasville upon its 150th anniversary and encourages the citizens of this State to actively take part in the Town's celebration.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the Mayor of the Town of Thomasville.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.J.R. 1103 A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
AUGUST 14, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1463 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE

SB 587 – DURHAM HIST. PROP./TAKING OF DEER

ADJOURNMENT

MINUTES OF THE MEETING OF RULES, CALENDAR
OPERATIONS OF THE HOUSE

August 14, 2001

The Committee on Rules, Calendar and Operations of the House met on August 14, 2001 at 1:00 p.m. in Room 421 of the Legislative office Building. The following members were present: Representatives Culpepper, Chairman; Allen, Barefoot, Buchanan, Culp, Gulley, Hill, Luebke, McCombs, Setzer and Yongue.

The following bills were considered:

HOUSE JOINT RESOLUTION 1463 – A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE. Representative Goodwin, sponsor, was recognized to speak on the resolution. He stated that Mr. Grimsley was instrumental in leading the state in passage of the various bond packages for the institutions of higher learning and community colleges, as well as for rural economic development. Representative Buchanan made a motion that it be given a favorable report. The motion passed.

COMMITTEE SUBSTITUTE FOR SENATE BILL 587 – AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDING WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION. A proposed House committee substitute changing the title to AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY was offered by Representative Luebke. Representative Barefoot moved that the proposed House committee substitute be adopted for purposes of discussion. Without objection, the chairman so ordered. Representative Luebke was recognized to speak on the proposed committee substitute. He also handed out letters from Mary Ann Black, Chairman of the Durham County Board of Commissioners, requesting the legislation, and from Joan Troy of the NC Wildlife Resources Commission, supporting the request of the Board of Commissioners. Copies of the letters are attached hereto. It was pointed out that the proposed House committee substitute is a combination of two bills. The Senate committee substitute was given a favorable report by the Committee on Judiciary I, and was ready to be calendared. It was then referred to this committee for the purpose of adding the prohibition of the taking of deer with dogs. Representative Luebke moved that the proposed House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion carried.

There being no further business, the meeting adjourned at 1:10 p.m.

Dorothy C. Crocker

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

HOUSE JOINT RESOLUTION 1463

Sponsors: Representatives Goodwin; Alexander, Allen, Arnold, Baddour, Barefoot, Barnhart, Bell, Blust, Bonner, Boyd-McIntyre, Carpenter, Church, Cox, J. Crawford, Culpepper, Daughtry, Dedmon, Earle, Edwards, Gibson, Gray, Gulley, Haire, Hall, Hensley, Hill, Hilton, Howard, Hurley, Insko, Jarrell, Jeffus, Johnson, Lucas, Luebke, McLawhorn, Nesbitt, Nye, Owens, Redwine, Rogers, Russell, Saunders, Smith, Teague, Tolson, Underhill, Wainwright, Walker, Warner, Warwick, Weatherly, West, Wright, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

July 30, 2001

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND COMMUNITY COLLEGE.

Whereas, Joseph Wayne Grimsley was born on February 4, 1936, in Stantonsburg, North Carolina, to J. J. Grimsley and Flora Hardison Grimsley; and

Whereas, upon graduation from Stantonsburg High School in 1954, Joseph Wayne Grimsley enlisted in the United States Army where he served until 1957; and

Whereas, after his service in the army, Joseph Wayne Grimsley enrolled at the University of North Carolina at Chapel Hill and received a bachelors degree in 1961; and

Whereas, continuing his education, Joseph Wayne Grimsley attended the Universidad De Los Andes, Bogotá, Columbia, South America as a Fulbright Scholar from 1961 to 1962 and received a masters degree from George Washington University in 1964; and

Whereas, from 1963 to 1967, Joseph Wayne Grimsley held various positions in the Peace Corps in Washington, D. C. and Honduras; and

Whereas, Joseph Wayne Grimsley rendered valuable service to the State of North Carolina, working for the Coastal Plains Regional Commission from 1968 to 1971, and serving as Assistant Secretary of the Department of Administration from 1972 to 1974, as Secretary of the Department of Administration from 1977 to 1981, and as Secretary of the Department of Natural Resources and Community Development from 1981 to 1984; and

Whereas, in 1985, Joseph Wayne Grimsley became the President of Richmond Community College where he served for 16 years; and

Whereas, under Joseph Wayne Grimsley's leadership, many improvements were made at Richmond Community College, including construction of a learning resources center, which houses a library, study center, and television studio; a computer center, which houses computer labs with Internet access, an electronics lab, and administrative offices; and Cole Auditorium, a 1,000-seat auditorium complex; and

Whereas, Joseph Wayne Grimsley helped develop the Tech Prep curriculum which brought about an alliance between colleges and public schools to encourage students to extend their education beyond high school; and

Whereas, Joseph Wayne Grimsley lent his support to the conversion of all the technical institutes to community college status and served as the State campaign director for the Unified Bonds campaign, the Schools and Roads Bonds campaign, and the Community Colleges and University Bonds campaign; and

Whereas, a lifelong Democrat, Joseph Wayne Grimsley was active in the political affairs of the State, serving as campaign director of the James B. Hunt for Lieutenant Governor Campaign in 1972, as a Special Assistant to Lieutenant Governor James B. Hunt from 1974 to 1976, as campaign manager for the James B. Hunt for Governor Committee in 1976, the Governor James B. Hunt Reelection Committee from 1979 to 1980, and the James B. Hunt Committee for United States Senate in 1984; and

Whereas, Joseph Wayne Grimsley served on many State, regional, and local boards and organizations, including the Sedimentation Control Commission, the Waste Management Board, the Environmental Education Fund, the Richmond County Partnership for Children, the North Carolina Rural Economic Development Center, the North Carolina Tech Prep Advisory Committee, Common Cause, and the North Carolina Association of Colleges and Universities; and

Whereas, Joseph Wayne Grimsley died on July 13, 2001; and

Whereas, Joseph Wayne Grimsley was a devoted husband to his beloved wife, Marcia Coates Grimsley; a loving father to his children and stepchildren, Joseph Wayne Grimsley Jr., Julie Ann Grimsley Perry, Mary Christina Grimsley Waller, David Ashford, and Hannah Ashford; and a doting grandfather to his five grandchildren; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly honors the memory of Joseph Wayne Grimsley and expresses the appreciation of this State and its citizens for the valuable service he rendered.

SECTION 2. The General Assembly extends its sincere sympathy to the family of Joseph Wayne Grimsley on the loss of a beloved family member.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the family of Joseph Wayne Grimsley.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) 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 JOSEPH WAYNE GRIMSLEY, DEDICATED PUBLIC SERVANT AND FORMER PRESIDENT OF RICHMOND 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 587

State and Local Government Committee Substitute Adopted 4/25/01

Short Title: Durham Historic Properties. (Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding the following new section:

"Sec. 94.7. Maintenance of Landmarks and Historic Buildings.

The City may enact ordinances requiring owners of designated landmarks or owners of contributing buildings, structures, or sites within historic districts to maintain their property in good condition. Any ordinances adopted under this section shall contain appropriate safeguards to protect owners if the required maintenance would cause undue economic hardship."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 587

State and Local Government Committee Substitute Adopted 4/25/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S587-CSRW-49 [v.1]

8/14/2001 10:40:02 AM

Short Title: Durham Hist. Prop./Taking of Deer. (Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION AND TO PROHIBIT THE TAKING OF DEER WITH DOGS IN DURHAM COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by adding the following new section:

"Sec. 94.7. Maintenance of Landmarks and Historic Buildings.

The City may enact ordinances requiring owners of designated landmarks or owners of contributing buildings, structures, or sites within historic districts to maintain their property in good condition. Any ordinances adopted under this section shall contain appropriate safeguards to protect owners if the required maintenance would cause undue economic hardship."

SECTION 2. Section 1 of Chapter 669 of the 1993 Session Laws reads as rewritten:

"Section 1. It is unlawful to take deer with the aid of ~~dogs, unless the hunter has in his possession written permission of the owner of the land to take deer with dogs, and provided that the land is located within the geographic area designated by the Wildlife Resources Commission as an area in which taking deer with dogs is permitted.~~ dogs."

SECTION 3. Section 1 of this act applies only to the City of Durham. Section 2 of this act applies only to Durham County.

SECTION 4. Section 2 of this act becomes effective October 1, 2001. The remainder of this act becomes effective when it becomes law.

MaryAnn E. Black
Chairman
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Durham, NC 27707
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Ellen W. Reckhow
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COUNTY OF DURHAM
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Joe W. Bowser
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May 23, 2001

The Honorable Paul Luebke
NC House of Representatives
529 Legislative Office Building
Raleigh, NC 27601-1096

Dear Representative Luebke:

We have taken some time to consider the suggested compromise position relative to **HB 919** that would allow hunting with dogs for one week in a section of Durham County west and north of U. S. 15-501 and Interstate 85. The original compromise idea was based on the assumption that the above referenced portion of Durham County is not densely populated. Our analysis indicates that considerable growth has taken place in the section of Durham County, and more growth is planned.

Consider the characteristics of the area in question. According to 1999 traffic count data obtained from the City of Durham Transportation department; NC 751 between US 70 and Erwin Road carries 8200 cars daily. Pickett Road to Garrett Road to NC 751 now carries 6500 cars, up from 4000 cars in 1997. This is due to the increasing number of new residential neighborhoods being built in this formerly rural section of Durham County.

The area also borders considerable forestlands owned by Duke University. Students, faculty and international visitors frequently run and jog through the trails on that land. U. S. highway 15-501 (Bypass) between I-40 and I-85 carries 43,600 vehicles daily, and is the fourth busiest highway in Durham behind I-40, I-85 and NC 147. From I-40 and Erwin Road, 14,000 cars travel between the Orange County Line and NC 751 daily. Another heavily traveled artery is Cornwallis Road with 4200 cars traveling from Erwin Road west to US 15-501 each day.

We additionally asked the City/County Planning Department to study the area between US 15-501 on the south, US 501 on the east and the county line on the west and north and include both City and County jurisdictional areas. We received the following statistics:

County Only Acreage: 25,091
Total Acreage: 37,360
Undevelopable acreage: 3,421 (including government and Duke University owned land) Floodway acreage could not be determined but would increase this number
Net Acreage: 33.939

County Only Population: 13,679
Total Population: 43,038
Total Dwelling Units: 18,236

County Only Population/Square Mile: 348.95
Total Population/Square Mile: 737.27
Net Population/Square Mile: 811.58

County Only Dwelling Units/Square Mile: 147.86
Total Dwelling Units/Square Mile: 312.39
Net Dwelling Units/Square Mile: 343.86

Putting the above numbers in context, the total area (737.27 persons per square mile) has a higher density than 95 counties, and the portion outside the City of Durham (348.95) is denser than 90 counties. The county portion (348.95 persons per square mile) of the study area is considerably denser than the three surrounding counties: Granville (91.31), Orange (259.69) and Person (90.80).

As you can see the area, when compared with other counties on a per square mile basis, does exceed many of their totals. Simply put, Durham County is too urban to safely allow hunting in this area as well.

Our paramount concern continues to be the safety of our citizens. We would greatly appreciate support of our request for a local bill prohibiting hunting deer with dogs in Durham County. Thank you for your consideration.

With best wishes,

MaryAnn Black, Chairman

Cc: Rep. Jim Gulley

Rep. Paul Luebke

om: Rep. Paul Luebke
ent: Tuesday, August 14, 2001 11:31 AM
To: Rep. Paul Luebke
Subject: FW: iMPORTANT FW: Hunting Deer w/ Dogs HB 919

-----Original Message-----
From: Troy, Joan B. [mailto:Troyjb@MAIL.WILDLIFE.STATE.NC.US]
Sent: Thursday, August 02, 2001 4:15 PM
To: 'Rep. Paul Luebke'
Cc: 'Jimg@ncleg.net'; Hamilton, Richard B.
Subject: RE: Hunting Deer w/ Dogs [HB 919]

The letter should provide strong support for your position among your colleagues. The WRC
does not take a position on this issue, other than to say that we will respect whatever
legislative solution is satisfactory to Durham County and the General Assembly.

best regards,

Joan Troy
C Wildlife Resources Commission

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 587 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

8/14/01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Natalie English	Charlotte Chamber
Sharon Matthews	DOT / DMV
Ruth Sappie	NCDOT
Lanier Winnie	NCSBA

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
AUGUST 22, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 470 – CLARIFY MV DEALER FRANCHISE LAWS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

August 22, 2001

The Committee on Rules, Calendar and Operations of the House met on August 22, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Fitch, Gibson, Gulley, Hill, Jarrell, Justus, McComas, McCombs, McMahan, Michaux, Morgan, Rogers, Setzer, Sherrill, Thompson and Yongue. Also present were members at large, Representatives Baddour and Dedmon.

The following bill was considered:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 470 – AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW. The chairman announced that Senate Hoyle, bill sponsor, was unable to attend the meeting and recognized Representative Sutton who is handling the bill in the House to give an overview of the bill. He used the attached bill analysis for his remarks. Following Representative Sutton's statements, Robert Glaser, President of the North Carolina Automobile Dealers Association, spoke in favor of the bill.

Representative Hackney sent forth an amendment and called upon Representative Sutton, who has previously handled the bill, to explain the amendment. Representatives Hackney and Allred spoke in favor of the amendment. Representative Fitch spoke against the amendment, but there was overall little opposition, and the amendment passed. The purpose of the amendment was to grandfather in certain foreign manufacturers such as Volvo, BMW, Mercedes and Toyota Land Cruisers until the year 2007.

Representative Pryor Gibson offered an amendment. The stated purpose of the amendment was to grandfather the Ford Motor Company Blue oval program into law. After extensive discussion by Representatives Fitch, Gibson and Justus in favor of the amendment and opposition to the amendment by Representatives Sutton, Hackney, Allred and McMahan, the question arose as to whether the amendment covered the intent of the presenter. Mr. Dave Horne, representing Ford Motor Company, expressed that Ford Motor Company merely wanted the amendment to allow it to continue the Blue Oval program and not be subject to any new rules contained in the bill.

There was extensive debate about whether the Blue Oval program that is allegedly illegal should be grandfathered in under any conditions and whether the amendment was worded to comply with Ford Motor Company's intent. Staff stated the amendment as written did not conform to the view of Mr. Horne. Time expired and the Chair announced that there would be no vote on the amendment, and the meeting adjourned at 2:10 p.m. with no vote.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 470
Commerce Committee Substitute Adopted 4/25/01
House Committee Substitute Favorable 8/14/01

Short Title: Clarify MV Dealer Franchise Laws. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-301.1. Notice of additional charges against dealer's account; informal appeals procedure.**

(a) Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch to charge or assess one of its franchised motor vehicle dealers located in this State, or to charge or debit the account of the franchised motor vehicle dealer for merchandise, tools, or equipment, other than the published cost of new motor vehicles, and merchandise, tools, or equipment specifically ordered by the franchised motor vehicle dealer, unless the franchised motor vehicle dealer receives a detailed itemized description of the nature and amount of each charge in writing at least 10 days prior to the date the charge or account debit is to become effective or due. For purposes of this subsection, prior written notice is required for the following charges or debits: advertising or advertising materials; advertising or showroom displays; customer informational materials; computer or communications hardware or software; special tools; equipment; dealership operation guides; Internet programs; and any additional charges or surcharges made or proposed for merchandise, tools, or equipment previously charged to the dealer.

(b) Any franchised new motor vehicle dealer who seeks to challenge an actual or proposed charge, debit, payment, reimbursement, or credit to the franchised new motor vehicle dealer or to the franchised new motor vehicle dealer's account in an amount less than or equal to ten thousand dollars ($10,000) and that is in violation of this Article or contrary to the terms of the franchise may, prior to filing a formal petition before the Commissioner as provided in G.S. 20-301(b) or a civil action in any court of competent

jurisdiction under G.S. 20-308.1, request and obtain a mediated settlement conference as provided in this subsection. Unless objection to the timeliness of the franchised new motor vehicle dealer's request for mediation under this subsection is waived in writing by the affected manufacturer, factory branch, distributor, or distributor branch, a franchised new motor vehicle dealer's request to mediate must be sent to the Commissioner within 75 days after the franchised new motor vehicle dealer's receipt of written notice from a manufacturer, factory branch, distributor, or distributor branch of the charges, debits, payments, reimbursements, or credits challenged by the franchised new motor vehicle dealer. If the franchised new motor vehicle dealer has requested in writing that the manufacturer, factory branch, distributor, or distributor branch review the questioned charges, debits, payments, reimbursements, or credits, a franchised new motor vehicle dealer's request to mediate must be sent to the Commissioner within 30 days after the franchised new motor vehicle dealer's receipt of the final written determination on the issue from the manufacturer, factory branch, distributor, or distributor branch.

(1) It is the policy and purpose of this subsection to implement a system of settlement events that are designed to reduce the cost of litigation under this Article to the general public and the parties, to focus the parties' attention on settlement rather than on trial preparation, and to provide a structured opportunity for settlement negotiations to take place.

(2) The franchised new motor vehicle dealer shall send a letter to the Commissioner by certified or registered mail, return receipt requested, identifying the actual or proposed charges the franchised new motor vehicle dealer seeks to challenge and the reason or basis for the challenge. The charges, debits, payments, reimbursements, or credits challenged by the franchised new motor vehicle dealer need not be related, and multiple issues may be resolved in a single proceeding. The franchised new motor vehicle dealer shall send a copy of the letter to the affected manufacturer, factory branch, distributor, or distributor branch, addressed to the current district, zone, or regional manager in charge of overseeing the dealer's operations, or the registered agent for acceptance of legal process in this State. Upon the mailing of a letter to the Commissioner and the manufacturer, factory branch, distributor, or distributor branch pursuant to this subsection, any chargeback to or any payment required of a franchised new motor vehicle dealer by a manufacturer, factory branch, distributor, or distributor branch shall be stayed during the pendency of the mediation. Upon the mailing of a letter to the Commissioner and manufacturer, factory branch, distributor, or distributor branch pursuant to this subsection, any statute of limitation or other time limitation for filing a petition before

the Commissioner or civil action shall be tolled during the pendency of the mediation.

(3) Upon receipt of the written request of the franchised new motor vehicle dealer, the Commissioner shall appoint a mediator and send notice of that appointment to the parties. A person is qualified to serve as mediator as provided by this subdivision if the person is certified to serve as a mediator under Rule 8 of the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions and does not represent motor vehicle dealers or manufacturers, factory branches, distributors, or distributor branches. A mediator acting pursuant to this subdivision shall have judicial immunity in the same manner and to the same extent as a Judge of the General Court of Justice.

(4) The parties shall by written agreement select a venue and schedule for the mediated settlement conference conducted under this subsection. If the parties are unable to agree on a venue and schedule, the mediator shall select a venue and schedule. Except by written agreement of all parties, a mediation proceeding and mediated settlement conference under this subsection shall be held in North Carolina.

(5) In this subsection, 'mediation' means a nonbinding forum in which an impartial person, the mediator, facilitates communication between parties to promote reconciliation, settlement, or understanding among them. A mediator may not impose his or her own judgment on the issues for that of the parties.

(6) At least 10 days prior to the mediated settlement conference, the affected manufacturer, factory branch, distributor, or distributor branch shall, by certified or registered mail, return receipt requested, send the mediator and the franchised new motor vehicle dealer a detailed response to the allegations raised in the franchised new motor vehicle dealer's written request. The mediation may be conducted by officers or employees of the parties themselves without the appearance of legal counsel. However, at least 10 days prior to the mediated settlement conference, either party may give notice to the other and to the mediator of its intention to appear at the mediation with legal counsel, in which event either party may appear at the mediation with legal counsel.

(7) A mediation proceeding conducted pursuant to this subsection shall be complete not later than the sixtieth day after the date of the Commissioner's notice of the appointment of the mediator; this deadline may be extended by written agreement of the parties. The parties shall be solely responsible for the compensation and expenses of the mediator on a fifty-fifty basis. The Commissioner is not liable

for the compensation paid or to be paid a mediator employed pursuant to this subsection.

(8) A party may attend a mediated settlement conference telephonically in lieu of personal appearance. If a party or other person required to attend a mediated settlement conference fails to attend without good cause, the Commissioner may impose upon the party or person any appropriate monetary sanction, including the payment of fines, attorneys' fees, mediator fees, expenses, and loss of earnings incurred by persons attending the conference.

(9) If the mediation fails to result in a resolution of the dispute, the franchised new motor vehicle dealer may proceed as provided in G.S. 20-301(b) and G.S. 20-308.1. Upon the filing of a petition pursuant to G.S. 20-301(b) or a civil action pursuant to G.S. 20-308.1, the affected manufacturer, factory branch, distributor, or distributor branch shall not require payment from the dealer, or debit or charge the dealer's account, unless and until a final judgment supporting the payment or charge has been rendered by the Commissioner or court. All communications made during a mediation proceeding, including, but not limited to, those communications made during a mediated settlement conference are presumed to be made in compromise negotiation and shall be governed by Rule 408 of the North Carolina Rules of Evidence."

SECTION 2. G.S. 20-305(30) reads as rewritten:

"(30) To vary the price charged to any of its franchised new motor vehicle dealers located in this State for new motor vehicles based on the dealer's purchase of new facilities, supplies, tools, equipment, or other merchandise from the manufacturer, the dealer's relocation, remodeling, repair, or renovation of existing dealerships or construction of a new facility or upon the dealer's participation in training programs sponsored, endorsed, or recommended by the manufacturer.

The price of the vehicle, for purposes of this subdivision shall include the manufacturer's use of rebates, credits, or other consideration which has the effect of causing a variance in the price of new motor vehicles offered to its franchised dealers located in the State.

Notwithstanding the foregoing, nothing in this subdivision shall be deemed to preclude a manufacturer from establishing sales contests or promotions which provide or award dealers or consumers rebates or incentives.

Nothing contained in this subdivision shall prohibit a manufacturer from providing assistance or encouragement to a franchised dealer to

remodel, renovate, recondition, or relocate the dealer's existing facilities, provided that this assistance, encouragement, or rewards are not determined on a per vehicle basis.

In the event that ~~at the time of the ratification of this act~~ as of October 1, 1999, a manufacturer ~~is currently~~ was operating a program or ~~has~~ had in effect a policy that varied the price charged to its franchised dealers located in this state in a manner which would violate this ~~subdivision after October 1, 1999,~~ subdivision, it shall be lawful for that program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, ~~2002.~~ 2004. Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy."

SECTION 2.1. G.S. 20-305(30), as amended by Section 2 of this act, reads as rewritten:

"(30) To vary the price charged to any of its franchised new motor vehicle dealers located in this State for new motor vehicles based on the dealer's purchase of new facilities, supplies, tools, equipment, or other merchandise from the manufacturer, the dealer's relocation, remodeling, repair, or renovation of existing dealerships or construction of a new facility, ~~or upon~~ the dealer's participation in training programs sponsored, endorsed, or recommended by the ~~manufacturer.~~ manufacturer, whether or not the dealer is dualed with one or more other line makes of new motor vehicles, or the dealer's sales penetration. Except as provided in this subdivision, it shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them to vary the price charged to any of its franchised new motor vehicle dealers located in this State for new motor vehicles based on the dealer's sales volume, the dealer's level of sales or customer service satisfaction, the dealer's purchase of advertising materials, signage, nondiagnostic computer hardware or software, communications devices, or furnishings, or the dealer's participation in used motor vehicle inspection or certification programs sponsored or endorsed by the manufacturer.

The price of the vehicle, for purposes of this subdivision shall include the manufacturer's use of rebates, credits, or other consideration which has the effect of causing a variance in the price of new motor vehicles offered to its franchised dealers located in the State.

Notwithstanding the foregoing, nothing in this subdivision shall be deemed to preclude a manufacturer from establishing sales contests or promotions which provide or award dealers or consumers rebates or ~~incentives.~~ incentives; provided, however, that the manufacturer complies with all of the following conditions:

a. With respect to manufacturer to consumer rebates and incentives, the manufacturer's criteria for determining eligibility shall:
   1. Permit all of the manufacturer's franchised new motor vehicle dealers in this State to offer the rebate or incentive; and
   2. Be uniformly applied and administered to all eligible consumers.

b. With respect to manufacturer to dealer rebates and incentives, the rebate or incentive program shall:
   1. Be based solely on the dealer's actual or reasonably anticipated sales volume or on a uniform per vehicle sold or leased basis;
   2. Be uniformly available, applied, and administered to all of the manufacturer's franchised new motor vehicle dealers in this State; and
   3. Provide that any of the manufacturer's franchised new motor vehicle dealers in this State may, upon written request, obtain the method or formula used by the manufacturer in establishing the sales volumes for receiving the rebates or incentives and the specific calculations for determining the required sales volumes of the inquiring dealer and any of the manufacturer's other franchised new motor vehicle dealers located within 75 miles of the inquiring dealer.

Nothing contained in this subdivision shall prohibit a manufacturer from providing assistance or encouragement to a franchised dealer to remodel, renovate, recondition, or relocate the dealer's existing facilities, provided that this assistance, encouragement, or rewards are not determined on a per vehicle basis.

It is unlawful for any manufacturer to charge or include the cost of any program or policy prohibited under this subdivision in the price of new motor vehicles that the manufacturer sells to its franchised dealers or purchasers located in this State.

In the event that as of October 1, 1999, a manufacturer was operating a program or had in effect a policy that varied the

price charged to its franchised dealers located in this state in a manner which would violate this subdivision, it shall be lawful for that program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, 2004. Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.

The provisions of this subdivision shall not be applicable to multiple or repeated sales of new motor vehicles made by a new motor vehicle dealer to a single purchaser under a bona fide fleet sales policy of a manufacturer, factory branch, distributor, or distributor branch."

SECTION 3. G.S. 20-305.2 reads as rewritten:

"**§ 20-305.2. Unfair methods of competition.**

(a) It is unlawful for any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, to directly or indirectly through any subsidiary or affiliated entity, own any ownership interest in, operate, or control any motor vehicle dealership in this State, provided that this section shall not be construed to prohibit:

...

(7) The ownership, operation, or control of a dealership that sells primarily recreation vehicles as defined in G.S. 20-4.01(32a) by a manufacturer, factory branch, distributor, or distributor branch, or subsidiary thereof, if the manufacturer, factory branch, distributor, or distributor branch, or subsidiary thereof, owned, operated, or controlled the dealership as of October 1, 2001.

(b) This section shall not apply to manufacturers or distributors of ~~trailers, motor homes, or semitrailers.~~trailers or semitrailers that are not recreation vehicles as defined in G.S. 20-4.01(32a)."

SECTION 4. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-305.6. Unlawful for manufacturers to unfairly discriminate among dealers.**

Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch to do any of the following:

(1) Discriminate against any similarly situated franchised new motor vehicle dealers in this State.

(2) Unfairly discriminate against franchised new motor vehicle dealers located in this State who have dualed facilities at which the vehicles distributed by the manufacturer, factory branch, distributor, or

distributor branch are sold or serviced with one or more other line makes of vehicles.

(3) Unfairly discriminate against one of its franchised new motor vehicle dealers in this State with respect to any aspect of the franchise agreement.

(4) Use any financial services company or leasing company owned or controlled by the manufacturer or distributor to accomplish what would otherwise be illegal conduct on the part of the manufacturer or distributor pursuant to this section. This section shall not limit the right of the financial services or leasing company to engage in business practices in accordance with the trade."

SECTION 5. G.S. 20-308.1 reads as rewritten:

"**§ 20-308.1. Civil actions for violations.**

(a) Notwithstanding the terms, provisions or conditions of any agreement or franchise or other terms or provisions of any novation, waiver or other written instrument, any person who is or may be injured by a violation of a provision of this Article, or any party to a franchise who is so injured in his business or property by a violation of a provision of this Article relating to that franchise, or an arrangement which, if consummated, would be in violation of this Article may, notwithstanding the initiation or pendency of, or failure to initiate an administrative proceeding before the Commissioner concerning the same parties or subject matter, bring an action for damages and equitable relief, including injunctive relief, in any court of competent jurisdiction with regard to any matter not within the jurisdiction of the Commissioner or that seeks relief wholly outside the authority or jurisdiction of the Commissioner to award.

(b) Where the violation of a provision of this Article can be shown to be willful, ~~malicious~~ malicious, or wanton, or if continued multiple violations of a provision or provisions of this Article occur, the court may award punitive damages, attorneys' fees and costs in addition to any other damages under this Article.

(c) A new motor vehicle dealer, if he has not suffered any loss of money or property, may obtain final equitable relief if it can be shown that the violation of a provision of this Article by a manufacturer or distributor may have the effect of causing ~~such~~ a loss of money or property.

(d) ~~Where there are continued violations of a provision or provisions of this Article and it can be shown that the violations are willful or wanton, the court, in addition to any other remedy or awards of damages under this Article may assess monetary penalties.~~ Any association that is comprised of a minimum of 400 new motor vehicle dealers, or a minimum of 10 motorcycle dealers, substantially all of whom are new motor vehicle dealers located within North Carolina, and which represents the collective interests of its members, shall have standing to file a petition before the Commissioner or a cause of action in any court of competent jurisdiction for itself, or on behalf of any or all of its members, seeking declaratory and injunctive relief. Prior to

bringing an action, the association and manufacturer, factory branch, distributor, or distributor branch shall initiate mediation as set forth in G.S. 20-301.1(b). An action brought pursuant to this subsection may seek a determination whether one or more manufacturers, factory branches, distributors, or distributor branches doing business in this State have violated any of the provisions of this Article, or for the determination of any rights created or defined by this Article, so long as the association alleges an injury to the collective interest of its members cognizable under this section. A cognizable injury to the collective interest of the members of the association shall be deemed to occur if a manufacturer, factory branch, distributor, or distributor branch doing business in this State has engaged in any conduct or taken any action which actually harms or affects all of the franchised new motor vehicle dealers holding franchises with that manufacturer, factory branch, distributor, or distributor branch in this State. With respect to any administrative or civil action filed by an association pursuant to this subsection, the relief granted shall be limited to declaratory and injunctive relief and in no event shall the Commissioner or court enter an award of monetary damages."

SECTION 6. G.S. 20-305 reads as rewritten:

"**§ 20-305. Coercing dealer to accept commodities not ordered; threatening to cancel franchise; preventing transfer of ownership; granting additional franchises; terminating franchises without good cause; preventing family succession.**

It shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch, or any field representative, officer, agent, or any representative whatsoever of any of them:

...

(38) Notwithstanding the terms, provisions, or conditions of any agreement, franchise, novation, waiver, or other written instrument, to assign or change a franchised new motor vehicle dealer's area of responsibility under the franchise arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the dealer's market. A franchised new motor vehicle dealer who believes that a manufacturer, factory branch, distributor, or distributor branch with whom the dealer has entered into a franchise has violated this subdivision may file a petition before the Commissioner as provided in G.S. 20-301(b) contesting the franchised new motor vehicle dealer's assigned area of responsibility. At the hearing before the Commissioner, the affected manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving that all portions of its current or proposed area of responsibility for the petitioning franchised new motor vehicle dealer are reasonable in light of the present or projected future pattern of motor vehicle sales and registrations within the franchised new motor vehicle dealer's market. If a protest is or has been filed under G.S. 20-305(5) and the franchised

new motor vehicle dealer's area of responsibility is included in the relevant market area under the protest, any protest filed under this subdivision shall be consolidated with that protest for hearing and joint disposition of all of the protests.

(39) Notwithstanding the terms, provisions, or conditions of any agreement, franchise, novation, waiver, or other written instrument, to require, coerce, or attempt to coerce any of its franchised motor vehicle dealers in this State to purchase or lease one or more signs displaying the name of the manufacturer or franchised motor vehicle dealer upon unreasonable and onerous terms or conditions or if installation of the additional signage would violate local signage or zoning laws to which the franchised motor vehicle dealer is subject. Any term, provision, or condition of any agreement, franchise, waiver, novation, or any other written instrument which is in violation of this subdivision shall be deemed null and void and without force and effect."

SECTION 7. If any clause or provision contained in this act shall be determined to be unconstitutional or unenforceable, that unconstitutionality or unenforceability shall not affect the validity of all remaining clauses or provisions not specifically determined to be unconstitutional or unenforceable.

SECTION 8. Section 2.1 of this act becomes effective March 1, 2003. All other sections of this act are effective when they become law.

SENATE BILL 470:
Clarify MV Dealer Franchise Laws.

BILL ANALYSIS

Committee:		**Introduced by:**	Senator Hoyle
Date:	July 17, 2001	**Summary by:**	Rick Zechini
Version:	Third Edition		House Judiciary I Committee Counsel

SUMMARY: Senate Bill 470 requires automobile manufacturers to provide written notice to a dealer of charges or debits for certain items, provides for mediation if the amount of disputed charges is $10,000 or less, restricts rebate and incentive programs offered by manufacturers, prohibits recreation vehicle manufacturers from owning dealerships, prohibits manufacturers and captive finance and leasing companies from discriminating against dealers, provides that punitive damages, attorneys' fees, and costs may be awarded if a violation of the motor vehicle dealers and manufacturers licensing laws is willful, provides for association standing, limits the ability of manufacturers to change a dealer's area of responsibility, and prohibits manufacturers from requiring or coercing dealers into purchasing or leasing signs displaying the name of the manufacturer or dealer under certain circumstances.

BILL ANALYSIS:

Section 1. Notice Required when Manufacturer Charges Dealer for Merchandise, Tools, or Equipment, other than Charges for a New Vehicle; Mediation. Section 1 of the bill requires a manufacturer to provide written notice to a dealer at least 10 days prior to debiting the dealer's account or a charge becomes due that is not a charge or debit for a new vehicle or merchandise, tools, or equipment specifically ordered by the dealer. If the amount due is in dispute, the dealer may file a petition with the Commissioner of the Division of Motor Vehicles (Commissioner) or file a civil action in court. If the amount in controversy is less than or equal to $10,000 then the dealer may use informal dispute resolution (non-binding mediation). This Section provides the procedures for the mediation.

Section 2. Unlawful for Dealers to Vary Motor Vehicle Prices. Section 2 amends the existing G.S. 20-305(30), effective when the bill becomes law, to provide that if as of October 1, 1999, a manufacturer was operating a program or had in effect a policy that varied the price charged to its dealers in a manner which would violate the subdivision, it is lawful for that program or policy, or a program or policy similar thereto implemented after the effective date of the act, to continue in effect as to the manufacturer's dealers until December 31, 2004. Under current law, G.S. 20-305(30) provides that a manufacturer cannot vary the price that it charges dealers for new vehicles based on the following:

- The dealer's purchase of new facilities, supplies, tools, equipment, or other merchandise from the manufacturer,
- The dealer's relocation, remodeling, repair, or renovation of existing dealerships or construction of a new facility, or
- The dealer's participation in training programs sponsored, endorsed, or recommended by the manufacturer.

Section 2.1. Unlawful for Dealers to Vary Motor Vehicle Prices; Must Uniformly Appl Rebate/Incentive Programs. Section 2.1 of the bill further amends G.S. 20-305(30), effective March 1, 2003, by expanding the current provision making it unlawful for a manufacturer to vary the price of vehicles sold to its franchised dealers by prohibiting a manufacturer from varying the price of vehicles based on the following additional factors:

- Whether or not the dealer is dualed with one or more other line makes of new motor vehicles, or
- The dealer's sales penetration;

And except as otherwise provided, the following additional factors:

- The dealer's sales volume;
- The dealer's level of sales or customer service satisfaction;
- The dealer's purchase of advertising materials, signage, nondiagnostic computer hardware or software, communications devices, or furnishings; or
- The dealer's participation in used motor vehicle inspection or certification programs sponsored or endorsed by the manufacturer.

This Section also requires a manufacturer that offers consumer rebates and incentives to offer the rebates and incentives to all of its franchised dealers in the State and uniformly apply the rebates and incentives to all eligible consumers. A manufacturer that offers dealer rebates and incentive programs must offer the programs to all its franchised dealers in the State, must base the programs on the dealer's sales, and provide dealers, when requested, with the method used by the manufacturer in determining the dealer's sales. The cost of any program that is prohibited by this subdivision may not be included in the price of a vehicle charged by a manufacturer to the dealer. Fleet accounts are exempt from the provisions of this subdivision.

Section 3. Recreational Vehicle (RV) Manufacturers Prohibited from Owning Dealerships. Section 3 removes the exemption for motor home manufacturers from G.S. 20-305.2(b). This change will mean that RV manufacturers, subject to certain exceptions, will be prohibited from owning dealerships in North Carolina.

Section 4. Motor Vehicle Manufacturers/Lenders Must Not Discriminate Among Dealers. Section 4 of the bill prohibits manufacturers and captive finance or leasing companies from doing any of the following:

- Discriminating against any similarly situated franchised new motor vehicle dealers.
- Unfairly discriminating against franchised new motor vehicle dealers who have dualed facilities.
- Unfairly discriminating against franchised new motor vehicle dealers with respect to any aspect of the franchise agreement.
- Using any financial services company or leasing company owned or controlled by the manufacturer or distributor to accomplish what would otherwise be illegal conduct on the part of the manufacturer or distributor pursuant to this section.

Section 5. Punitive Damages, Attorneys' Fees and Costs/Association Standing. Under current law, G.S. 20-308.1 allows a court to award punitive damages, attorneys' fees, and court costs if it finds that a violation of the motor vehicle dealers and manufacturers licensing laws is malicious or wanton, or if it finds that there have been continued multiple violations of the laws. Section 5 amends G.S. 20-308.1 to allow for the recovery of punitive damages, attorneys' fees,

and court costs when the violation is **"willful"**, malicious, or wanton. Section 5 also provides that any association that is comprised of a minimum of 400 dealers, or a minimum of 10 motorcycle dealers, substantially all of whom are new motor vehicle dealers located within North Carolina, and which represents the collective interests of its members, has standing to file a petition before the Commissioner or a cause of action in any court of competent jurisdiction for itself, or on behalf of any or all of its members, seeking declaratory and injunctive relief if the association alleges an injury to the collective interest of its members cognizable under this section. An association entitled to standing pursuant to this Section must initiate mediation prior to filing a petition before the Commissioner or a cause of action in court.

Section 6. Manufacturer's Change of a Dealer's Area of Responsibility/Sign Agreements. Section 6 of the bill prohibits manufacturers from changing a dealer's area of responsibility without due regard to the present or projected future patterns of motor vehicle sales and registrations. Dealers can contest changes to their area of responsibility at a hearing before the Commissioner where the manufacturer has the burden of proving that the changes are reasonable in light of present or projected future pattern of motor vehicle sales and registrations. Section 6 of the bill also prohibits manufacturers from requiring or coercing dealers into purchasing or leasing signs displaying the name of the manufacturer or dealer upon unreasonable and onerous terms or conditions or if installation of the additional signage would violate local signage or zoning laws to which the franchised motor vehicle dealer is subject.

Section 7. Severability Clause. Section 7 of the bill contains a severability clause that provides that if any clause or provision of the bill is determined to be unconstitutional or unenforceable, all portions of the bill not determined to be unconstitutional or unenforceable shall remain in effect.

Section 8. Effective Date. Section 2.1 of the act becomes effective March 1, 2003, and all other Sections of the act are effective when they become law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S470-ASG-76 [v.5]

Date _____ ,2001

Comm. Sub. [YES]
Amends Title [YES]
Third Edition

Representative

moves to amend the bill on page 1, line 2, by rewriting the line to read:

"AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S470-ASG-76 [v.5]

on page 5, lines 6 through 15, by rewriting the lines to read:

"or ~~has~~ had in effect a policy that varied the price charged to its franchised dealers located in this State in a manner which would violate this ~~subdivision after October 1, 1999,~~ subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, ~~2002.~~ 2007. Any manufacturer shall be required to pay or otherwise compensate any ~~franchise~~ franchised dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy."; and

on page 7, lines 1 through 10, by rewriting the lines to read:

"price charged to its franchised dealers located in this State in a manner which would violate this subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, 2007. Any manufacturer shall be required to pay or otherwise compensate any franchised dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S470-ASG-76 [v.5]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S470-ASG-79 [v.2]

Date 8/22/01 ,2001

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Representative

moves to amend the bill on page 5, lines 4 through 15, by rewriting the lines to read:

"In the event that ~~at the time of the ratification of this act~~ as of January 1, 2001, a manufacturer ~~is currently~~ was operating a program or ~~has~~ had in effect a policy or promotional or incentive program or other benefit, including financial incentives, that varied the price charged to its franchised dealers located in this State in a manner which would violate this ~~subdivision after October 1, 1999,~~ subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, ~~2002.~~ 2007. Any manufacturer shall be required to pay or otherwise compensate any ~~franchise~~ franchised dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S470-ASG-79 [v.2]

on page 6, line 41 through page 7, line 10, by rewriting the lines to read:

"In the event that as of January 1, 2001, a manufacturer was operating a program or had in effect a policy or promotional or incentive program or other benefit, including financial incentives, that varied the price charged to its franchised dealers located in this State in a manner which would violate this subdivision, it shall be lawful for that program or policy, including amendments to that program or policy that are consistent with the purpose and provisions of the existing program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, 2007. Any manufacturer shall be required to pay or otherwise compensate any franchised dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy."; and,

on page 10, lines 20 and 21, by rewriting the lines to read:

"**SECTION 7.1.** Any proceeding commenced prior to the effective date of this act may be completed in accordance with the law then in effect.

SECTION 8. This act is effective when it becomes law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Rules — Name of Committee

8-22-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JOHN GOODMAN	LINWOOD MERCER & ASSOC.
Emily Fulghum	Smith Anderson
Stacy Matthews	DOT-DMV
Mike Causey	NC Glass Assn
Chris Hollis	Hollis Group
Dana Simpson	Smith Anderson
R.W. Kesler	Kesler Co.
Tommy Herrelson	Lobbyist
N Bryan	NCADA
RL+B	NCADA
[illegible]	NCADA
[illegible]	NCDOA
Hasan Webb	NCDOA
Mark Olson	Capitol Group
[illegible]	[illegible]
Diane Turner	NCADA
KERRY POWELL	NCADA
DAVID BRYAN	NCADA
DAVID BARNES	Poyner + Spruill LLP
Doug Wilkinson	Wilkinson Cad. LLC
Doug Wilkinson III	Wilkinson Cadillac
Stephanie Mann	NCAR
Rufus L. Edmisten	Edmisten & Webb Law Firm
Ed Bell	Ford Mtr Co.

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
AUGUST 28, 2001
4:18 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 61 - CONTINUING BUDGET AUTHORIZATION

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR,
AND OPERATIONS OF THE HOUSE

August 28, 2001

The Committee on Rules, Calendar and Operations of the House met on August 28, 2001 at 4:18 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McComas, McCombs, McMahan, Rogers, Setzer, Sherrill, Thompson and Yongue. Also present were Representatives Baddour and Cunningham, members at large.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 61 – AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION. A copy of the proposed House committee substitute was passed out to the members of the committee and Representative Redwine was recognized. He briefly described each section of the proposed committee substitute. Following his explanation, Representative Allred sent forth an amendment exempting in-state students from a tuition increase beginning with the fall 2001 semester. Representative Redwine asked that the members oppose the amendment and was supported by Representative Luebke. Representative Gulley asked for a roll call vote, and the amendment failed by 16 to 6. Discussion continued after which Representative Buchanan moved that the proposed House committee substitute be given a favorable report, unfavorable to the original bill. The motion carried.

There being no further business, the meeting adjourned at 4:45 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C .Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 61

Appropriations/Base Budget Committee Substitute Adopted 8/23/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S61-PCS9340-LH-33

Short Title: Continuing Budget Authorization. (Public)

Sponsors:

Referred to:

February 6, 2001

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR DEBT SERVICE ON STATE BONDS, TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; TO AUTHORIZE THE DEPARTMENT OF REVENUE TO BEGIN RECRUITING PERSONNEL FOR PROJECT COLLECT TAX; AND TO AUTHORIZE THE STATE TREASURER TO REPLACE THE OPTICAL IMAGING SYSTEM IN THE RETIREMENT SYSTEMS DIVISION.

The General Assembly of North Carolina enacts:

PART I. CONTINUED BUDGET AUTHORITY.

SECTION 1. Section 8 of S.L. 2001-250, as amended by S.L. 2001-287 and Section 1 of S.L. 2001-322, reads as rewritten:

"**SECTION 8.** Except as otherwise provided, this act becomes effective July 1, 2001. This act expires ~~August 29, 2001.~~ September 28, 2001."

PART II. HEALTH AND HUMAN SERVICES BLOCK GRANTS.

SECTION 2. Section 2 of S.L. 2001-250 is repealed.

SECTION 2.1.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2002, according to the following schedule:

COMMUNITY SERVICES BLOCK GRANT		
01.	Community Action Agencies	$ 14,160,375
02.	Limited Purpose Agencies	979,017
03.	Department of Health and Human Services to administer and monitor the activities of the Community Services Block Grant	500,000
TOTAL COMMUNITY SERVICES BLOCK GRANT		$ 15,639,392
SOCIAL SERVICES BLOCK GRANT		
01.	County departments of social services (Transfer from TANF - $4,500,000)	$ 27,395,663
02.	Allocation for in-home services provided by county departments of social services	2,101,113
03.	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services	3,234,601
04.	Division of Services for the Blind	3,105,711
05.	Division of Facility Services	426,836
06.	Division of Aging - Home and Community Care Block Grant	1,840,234
07.	Child Care Subsidies	3,000,000
08.	Division of Vocational Rehabilitation - United Cerebral Palsy	71,484

09.	State administration	1,693,368
10.	Child Medical Evaluation Program	238,321
11.	Adult day care services	2,155,301
12.	Comprehensive Treatment Services Program	750,000
13.	Transfer to Preventive Health Services Block Grant for emergency medical services	213,128
14.	Transfer to Preventive Health Services Block Grant for HIV/AIDS Prevention Activities	395,789
15.	Department of Administration for the N.C. State Commission of Indian Affairs In-Home Services Program for the Elderly	203,198
16.	Division of Vocational Rehabilitation - Easter Seals Society	116,779
17.	UNC-CH CARES Program for training and consultation services	247,920
18.	Office of the Secretary - Office of Economic Opportunity for N.C. Senior Citizens' Federation for outreach services to low-income elderly persons	41,302
19.	Transfer from TANF Block Grant for Division of Social Services - Child Caring Agencies	1,500,000
20.	Division of Mental Health, Developmental Disabilities, and Substance Abuse Services - Developmentally Disabled Waiting List for services	5,000,000
21.	Transfer to Maternal and Child Health Block Grant for Newborn Screenings	90,611
22.	Transfer to Preventive Health Services Block	

	Grant for HIV/AIDS education, counseling, and testing	66,939
TOTAL SOCIAL SERVICES BLOCK GRANT		$ 53,888,298
LOW-INCOME ENERGY BLOCK GRANT		
01.	Energy Assistance Programs	$ 8,092,113
02.	Crisis Intervention	5,795,825
03.	Administration	1,984,934
04.	Weatherization Program	2,684,116
05.	Department of Administration - N.C. State Commission of Indian Affairs	39,765
06.	Heating Air Repair and Replacement Program	1,252,588
TOTAL LOW-INCOME ENERGY BLOCK GRANT		$ 19,849,342
MENTAL HEALTH SERVICES BLOCK GRANT		
01.	Provision of community-based services in accordance with the Mental Health Study Commission's Adult Severe and Persistently Mentally Ill Plan	$ 5,192,826
02.	Provision of community-based services to children	2,378,540
03.	Establish Child Residential Treatment Services Program	1,500,000
04.	Administration	783,911
TOTAL MENTAL HEALTH SERVICES BLOCK GRANT		$ 9,855,277
SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT		

01.	Provision of community-based alcohol and drug abuse services, tuberculosis services, and services provided by the Alcohol and Drug Abuse Treatment Centers	$ 14,501,711
02.	Continuation of services for pregnant women and women with dependent children	6,007,303
03.	Continuation of services to IV drug abusers and others at risk for HIV diseases	5,209,934
04.	Provision of services to children and adolescents	6,839,190
05.	Juvenile Services - Family Focus	774,414
06.	Child Residential Treatment Services Program	700,000
07.	Administration	2,423,049
TOTAL SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT		$ 36,455,601
CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT		
01.	Child care subsidies	$148,343,839
02.	Quality and availability initiatives	17,259,661
03.	Administrative expenses	6,550,000
04.	Transfer from TANF Block Grant for child care subsidies	76,675,000
TOTAL CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT		$248,828,500
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT		

01.	Work First Cash Assistance	$114,181,958
02.	Work First County Block Grants	92,018,855
03.	Transfer to the Child Care and Development Fund Block Grant for child care subsidies	76,675,000
04.	Allocation to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services for Work First substance abuse screening, diagnostic, and support treatment services and drug testing	3,500,000
05.	Cash Assistance Reserve	11,876,624
06.	Allocation to the Division of Social Services for staff development	500,000
07.	Reduction of out-of-wedlock births	1,440,000
08.	Substance Abuse Services for Juveniles	1,182,280
09.	Special Children Adoption Fund	2,811,687
10.	Business Process Reengineering Project Reserve	3,000,000
11.	Work First Job Retention – NC Rural Center ($270,000) Work Central Career Advancement Center ($180,000)	450,000
12.	Allocation to the Division of Public Health for teen pregnancy prevention	2,015,335
13.	Transfer to Social Services Block Grant for Child Caring Agencies	1,500,000
14.	Child Care Subsidies for TANF Recipients	26,621,241
15.	Work First Housing Initiative	

	- Existing programs ($1,800,000) - New programs ($900,000)	2,700,000
16.	Allocation to the Division of Social Services for Domestic Violence Prevention and Awareness	900,000
17.	County Child Protective Services, Foster Care, and Adoption Workers	2,727,550
18.	Intensive Family Preservation Program	1,800,000
19.	Work First/Boys and Girls Clubs	900,000
20.	Transfer to Social Services Block Grant for County Departments of Social Services for Children's Services	4,500,000
21.	Support Our Students – Department of Juvenile Justice and Delinquency Prevention	2,475,607
22.	Residential Substance Abuse Services for Women With Children	4,500,000
23.	Domestic Violence Services for Work First Families	1,800,000
24.	After-School Services for At-Risk Children	2,700,000
25.	Division of Social Services - Administration	500,000
26.	Child Welfare workers and services for local departments of social services	7,654,841
27.	Child Welfare Training	2,000,000
28.	Individual Development Accounts	180,000
TOTAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT		$373,110,978

MATERNAL AND CHILD HEALTH BLOCK GRANT		
01.	Healthy Mothers/Healthy Children Block Grants to Local Health Departments	$9,838,074
02.	High-Risk Maternity Clinic Services, Perinatal Education and Training, Childhood Injury Prevention, Public Information and Education, and Technical Assistance to Local Health Departments	2,012,102
03.	Services to Children With Special Health Care Needs	5,078,647
04.	Transfer from Social Services Block Grant for Newborn Screenings	90,611
TOTAL MATERNAL AND CHILD HEALTH BLOCK GRANT		$ 17,019,434
PREVENTIVE HEALTH SERVICES BLOCK GRANT		
01.	Statewide Health Promotion Programs	$3,061,182
02.	Dental Services/Fluoridation	100,800
03.	Rape Crisis/Victims' Services Program - Council for Women	190,134
04.	Rape Prevention and Education Program - Division of Public Health and Council for Women	1,139,869
05.	Transfer from Social Services Block Grant - HIV/AIDS Prevention Activities	395,789
06.	Transfer from Social Services Block Grant - Emergency Medical Services	213,128

07.	Transfer from Social Services Block Grant – HIV/AIDS education, counseling, and testing	66,939
08.	Office of Minority Health	159,459
09.	Administrative Costs	108,546
TOTAL PREVENTIVE HEALTH SERVICES BLOCK GRANT		$5,435,846

SECTION 2.1.(b) Decreases in Federal Fund Availability. – If the United States Congress reduces federal fund availability in the Social Services Block Grant below the amounts appropriated in this section, then the Department of Health and Human Services shall allocate these decreases giving priority first to those direct services mandated by State or federal law, then to those programs providing direct services that have demonstrated effectiveness in meeting the federally and State-mandated services goals established for the Social Services Block Grant. The Department shall not include transfers from TANF for specified purposes in any calculations of reductions to the Social Services Block Grant.

If the United States Congress reduces the amount of TANF funds below the amounts appropriated in this section after the effective date of this act, then the Department shall allocate the decrease in funds after considering any underutilization of the budget and the effectiveness of the current level of services. Any TANF Block Grant fund changes shall be reported to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

Decreases in federal fund availability shall be allocated for the Maternal and Child Health and Preventive Health Services federal block grants by the Department of Health and Human Services after considering the effectiveness of the current level of services.

SECTION 2.1.(c) Increases in Federal Fund Availability. – Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended by the Department of Health and Human Services, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the scope of the block grant plan approved by the General Assembly.

SECTION 2.1.(d) Changes to the budgeted allocations to the block grants appropriated in this act and new allocations from the block grants not specified in this act shall be submitted to the Joint Legislative Commission on Governmental Operations for review prior to the change and shall be reported immediately to the Senate Appropriations Committee on Health and Human Services, the House of

Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(e) The Department of Health and Human Services may allow no-cost contract extensions for up to six months for nongovernmental grant recipients under the TANF Block Grant.

SECTION 2.1.(f) Limitations on Preventive Health Services Block Grant Funds. – Twenty-five percent (25%) of funds allocated for Rape Prevention and Rape Education shall be allocated as grants to nonprofit organizations to provide rape prevention and education programs targeted for middle, junior high, and high school students.

If federal funds are received under the Maternal and Child Health Block Grant for abstinence education, pursuant to section 912 of Public Law 104-193 (42 U.S.C. § 710), for the 2001-2002 fiscal year, then those funds shall be transferred to the State Board of Education to be administered by the Department of Public Instruction. The Department of Public Instruction shall use the funds to establish an Abstinence Until Marriage Education Program and shall delegate to one or more persons the responsibility of implementing the program and G.S. 115C-81(e1)(4). The Department of Public Instruction shall carefully and strictly follow federal guidelines in implementing and administering the abstinence education grant funds.

SECTION 2.1.(g) The Department of Health and Human Services, Division of Social Services, shall do the following:

(1) Continue the current evaluation of the Work First Program to assess former recipients' earnings, barriers to advancement to economic self-sufficiency, utilization of community support services, and other longitudinal employment data. Assessment periods shall include six and 18 months following closure of the case.

(2) Continue the current evaluation of the Work First Program to profile the State's child-only caseload to include indicators of economic and social well-being, academic and behavioral performance, demographic data, description of living arrangements including length of placement out of the home, social and other human services provided to families, and other information needed to assess the needs of the child-only Work First Family Assistance clients and families.

The Division of Social Services may use up to seven hundred fifty thousand dollars ($750,000) in TANF funds to complete the evaluation of Work First.

The Department of Health and Human Services shall make a report on its progress in complying with this subsection to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division no later than September 30, 2001, and shall make a final report no later than September 30, 2002.

SECTION 2.1.(h) The sum of two million eight hundred eleven thousand six hundred eighty-seven dollars ($2,811,687) appropriated in this section in the TANF

Block Grant to the Department of Health and Human Services, Special Children Adoption Fund, for the 2001-2002 fiscal year shall be used to implement this subsection. The Division of Social Services, in consultation with the North Carolina Association of County Directors of Social Services and representatives of licensed private adoption agencies, shall develop guidelines for the awarding of funds to licensed public and private adoption agencies upon the adoption of children described in G.S. 108A-50 and in foster care. Payments received from the Special Children Adoption Fund by participating agencies shall be used exclusively to enhance the adoption services program. No local match shall be required as a condition for receipt of these funds.

SECTION 2.1.(i) The sum of one million five hundred thousand dollars ($1,500,000) appropriated in this act in the TANF Block Grant and transferred to the Social Services Block Grant to the Department of Health and Human Services, Division of Social Services, for child caring agencies for the 2001-2002 fiscal year shall be allocated to the State Private Child Caring Agencies Fund. These funds shall be combined with all other funds allocated to the State Private Child Caring Agencies Fund for the reimbursement of the State's portion of the cost of care for the placement of certain children by the county departments of social services who are not eligible for federal IV-E funds. These funds shall not be used to match other federal funds.

SECTION 2.1.(j) The sum of three hundred thousand dollars ($300,000) appropriated in this section to the Department of Health and Human Services in the Child Care and Development Fund Block Grant shall be used to develop and implement a Medical Child Care Pilot open to children throughout the State.

SECTION 2.1.(k) The sum of nine hundred thousand dollars ($900,000) appropriated in this section to the Department of Health and Human Services in the TANF Block Grant for Boys and Girls Clubs shall be used to make grants for approved programs. The Department of Health and Human Services, in accordance with federal regulations for the use of TANF Block Grant funds, shall administer a grant program to award funds to the Boys and Girls Clubs across the State in order to implement programs that improve the motivation, performance, and self-esteem of youths and to implement other initiatives that would be expected to reduce school dropout and teen pregnancy rates. The Department shall encourage and facilitate collaboration between the Boys and Girls Clubs and Support Our Students, Communities in Schools, and similar programs to submit joint applications for the funds if appropriate.

SECTION 2.1.(l) Payment for subsidized child care services provided with federal TANF funds shall comply with all regulations and policies issued by the Division of Child Development for the subsidized child care program.

SECTION 2.1.(m) The sum of two million seven hundred thousand dollars ($2,700,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the Work First Housing Initiative shall be used to provide direct housing support to Work First clients. Direct housing support includes using funds for rental assistance, loans, moving expenses, and other financial assistance. No more than ten percent (10%) of these funds may be used

for administration. These funds may be used for counseling or similar services only if it is demonstrated that those services are not otherwise available in the community.

SECTION 2.1.(n) The sum of five hundred thousand dollars ($500,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year shall be used to support administration of TANF-funded programs.

SECTION 2.1.(o) The sum of four million five hundred thousand dollars ($4,500,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to provide regional residential substance abuse treatment and services for women with children. The Department of Health and Human Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, in consultation with local departments of social services, area mental health programs, and other State and local agencies or organizations, shall coordinate this effort in order to facilitate the expansion of regionally based substance abuse services for women with children. These services shall be culturally appropriate and designed for the unique needs of TANF women with children.

In order to expedite the expansion of these services, the Secretary of the Department of Health and Human Services may enter into contracts with service providers.

The Department of Health and Human Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall report on their progress in complying with this subsection no later than October 1, 2001, and March 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division. These reports shall include all of the following:

(1) The number and location of additional beds created.
(2) The types of facilities established.
(3) The delineation of roles and responsibilities at the State and local levels.
(4) Demographics of the women served, the number of women served, and the cost per client.
(5) Demographics of the children served, the number of children served, and the services provided.
(6) Job placement services provided to women.
(7) A plan for follow-up and evaluation of services provided with an emphasis on outcomes.
(8) Barriers identified to the successful implementation of the expansion.
(9) Identification of other resources needed to appropriately and efficiently provide services to Work First recipients.
(10) Other information as requested.

SECTION 2.1.(p) The sum of two million four hundred seventy-five thousand six hundred seven dollars ($2,475,607) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services and transferred to the Department of Juvenile Justice and Delinquency Prevention for the 2001-2002 fiscal year shall be used to support the existing Support Our Students Program and to expand the Program statewide, focusing on low-income communities in unserved areas. These funds shall not be used for administration of the program.

SECTION 2.1.(q) The sum of one million eight hundred thousand dollars ($1,800,000) appropriated under this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year shall be used to provide domestic violence services to Work First recipients. These funds shall be used to provide domestic violence counseling, support, and other direct services to clients. These funds shall not be used to establish new domestic violence shelters or to facilitate lobbying efforts. The Division of Social Services may use up to seventy-five thousand dollars ($75,000) in TANF funds to establish one administrative position within the Division of Social Services to implement this subsection

Each county department of social services and the local domestic violence shelter program serving the county shall jointly develop a plan for utilizing these funds. The plan shall include the services to be provided and the manner in which the services shall be delivered. The county plan shall be signed by the county social services director or the director's designee and the domestic violence program director or the director's designee and submitted to the Division of Social Services by December 1, 2001. The Division of Social Services, in consultation with the Council for Women, shall review the county plans and shall provide consultation and technical assistance to the departments of social services and local domestic violence shelter programs, if needed.

The Division of Social Services shall allocate these funds to county departments of social services according to the following formula: (i) each county shall receive a base allocation of ten thousand dollars ($10,000) and (ii) each county shall receive an allocation of the remaining funds based on the county's proportion of the statewide total of the Work First caseload as of July 1, 2001, and the county's proportion of the statewide total of the individuals receiving domestic violence services from programs funded by the Council for Women as of July 1, 2001. The Division of Social Services may reallocate unspent funds to counties that submit a written request for additional funds.

The Department of Health and Human Services shall report on the uses of these funds no later than March 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(r) The sum of two million seven hundred thousand dollars ($2,700,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, shall be used to expand after-school programs and services for at-risk children. The Department shall develop

and implement a grant program to award grants to community-based programs that demonstrate the ability to reach children at risk of teen pregnancy and school dropout. The Department shall award grants to community-based organizations that demonstrate the ability to develop and implement linkages with local departments of social services, area mental health programs, schools, and other human services programs in order to provide support services and assistance to the child and family. These funds may be used to establish one position within the Division of Social Services to coordinate at-risk after-school programs and shall not be used for other State administration. The Department shall report no later than March 1, 2002, on its progress in complying with this section to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(s) The sum of seven million six hundred fifty-four thousand eight hundred forty-one dollars ($7,654,841) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year for Child Welfare Improvements shall be allocated to the county departments of social services for hiring or contracting staff to investigate and provide services in Child Protective Services cases; to provide foster care and support services; to recruit, train, license, and support prospective foster and adoptive families; and to provide interstate and post-adoption services for eligible families.

SECTION 2.1.(t) The sum of one million five hundred thousand dollars ($1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year and the sum of seven hundred thousand dollars ($700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of Senate Bill 1005, 2001 Session, 5th Edition engrossed, the text of which is incorporated by reference.

SECTION 2.1.(u) The sum of two million dollars ($2,000,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for fiscal year 2001-2002 shall be used to support various child welfare training projects as follows:

(1) Provide a regional training center in southeastern North Carolina.
(2) Support the Masters Degree in Social Work/Baccalaureate Degree in Social Work Collaborative.
(3) Provide training for residential child care facilities.
(4) Provide for various other child welfare training initiatives.

SECTION 2.1.(v) The sum of nine million three hundred forty-seven thousand six hundred thirty-one dollars ($9,347,631) appropriated in this section in the

TANF Block Grant to the Department of Health and Human Services for a Cash Assistance Reserve may only be used for cash assistance payment if the funds appropriated in this act for cash assistance payments are not sufficient to pay Work First cash assistance in the 2001-2002 fiscal year. Prior to the use of these funds, the Office of State Budget and Management shall review all proposals for expenditure of these funds in order to ensure compliance with this subsection.

The sum of two million five hundred twenty-eight thousand nine hundred ninety-three dollars ($2,528,993) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Cash Assistance Reserve shall be held in the Cash Assistance Reserve until the Department of Health and Human Services and the Office of State Budget and Management can certify that these funds are not needed to ensure the continuation of the Work First Family Assistance payments to recipients during the 2001-2002 fiscal year. These funds may be used only for the payment of Work First Family Assistance and the allocations listed in this subsection. If the Department of Health and Human Services and the Office of State Budget and Management certify that these funds are not needed to ensure the continuation of Work First Family Assistance payments, the Department may make the following transfers from the Cash Assistance Reserve:

(1)	Reduction of out-of-wedlock births.	$160,000
(2)	Work First Job Retention – Rural Center ($30,000) Work Central Career Center ($20,000)	$50,000
(3)	Teen Pregnancy Prevention	$223,926
(4)	Work First Housing Initiative	$300,000
(5)	Domestic Violence Prevention and Awareness	$100,000
(6)	Intensive Family Preservation Program	$200,000
(7)	Work First Boys and Girls Clubs	$100,000
(8)	Support our Students	$275,674
(9)	Residential Substance Abuse Services for Women with Children	$500,000
(10)	Domestic Violence Services for Work First Families	$200,000
(11)	After School Services for At-Risk Children	$300,000
(12)	Individual Development Accounts	$20,000

SECTION 2.1.(w) The sum of three million dollars ($3,000,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for a Business Process Reengineering Project Reserve may only be used for the project if funds appropriated in this act for Business Process Reengineering are not sufficient to continue the project through the 2001-2002 fiscal year. Prior to the use of these funds, the Office of State Budget and Management shall review all proposals for expenditure of these funds in order to ensure compliance with this subsection.

SECTION 2.1.(x) If funds appropriated through the Child Care and Development Fund Block Grant for any program cannot be obligated or spent in that program within the obligation or liquidation periods allowed by the federal grants, the Department may move funds to child care subsidies unless otherwise prohibited by federal requirements of the grant, in order to use the federal funds fully.

SECTION 2.1.(y) The sum of nine hundred thousand dollars ($900,000) appropriated under this section in the TANF Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2001-2002 fiscal year for Domestic Violence Prevention and Awareness shall be used for grants to support initiatives by local domestic violence programs to prevent domestic violence. Prevention activities shall include efforts to reach under-served populations and shall be culturally sensitive and multilingual. The Department shall award grants to community-based organizations that demonstrate the ability to collaborate and coordinate services with other local human services agencies and organizations in order to serve children and families where domestic violence has occurred or is occurring. The Department shall report on the use of these funds no later than May 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(z) The sum of three hundred ninety-five thousand seven hundred eighty-nine dollars ($395,789) appropriated in this section in the Social Services Block Grant and transferred to the Preventive Health Service Block Grant to the Department of Health and Human Services for the 2001-2002 fiscal year for HIV/AIDS Prevention Activities shall be used to create a position in the Office of the Secretary and to enhance activities for HIV/AIDS awareness and education. The position shall be responsible for all planning, programming, and budgeting for compliance with this subsection. These prevention activities shall be targeted to the general public and programs identified in this subsection and shall not be used to augment the current grant programs that target high-risk populations through the community-based organizations.

It is the intention of the General Assembly to focus current resources and activities to strengthen and enhance prevention and intervention programs directed at the reduction of HIV/AIDS. The Department shall coordinate efforts to enhance awareness, education, and outreach with the North Carolina AIDS Advisory Council, North Carolina Minority Health Advisory Council, representatives of faith communities, representatives of nonprofit agencies, and other State agencies.

The Department of Health and Human Services shall coordinate and ensure the implementation of developmentally appropriate education, awareness, and outreach campaigns to comply with this subsection in the following programs and services:

(1) Division of Social Services programs and services:
   a. Domestic Violence Prevention and Awareness.
   b. Domestic Violence Services for Work First Families.
   c. After School Services for At Risk Children.

d. Work First Boys/Girls Clubs.

(2) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services programs and services:

a. Substance Abuse Services for Juveniles.

b. Residential Substance Abuse Services for Women and Children.

(3) Division of Public Health programs and services:

a. Teen Pregnancy Prevention Activities.

b. Out-of-Wedlock Births.

c. School Health Program.

d. High-Risk Maternity Clinic Services.

e. Perinatal Education and Training.

f. Public Information and Education.

g. Technical Assistance to Local Health Departments.

(4) Other divisions, services, and programs:

a. Family Support Services.

b. Family Resource Centers.

c. Independent Living Services.

d. Residential schools and facilities.

e. Other programs, services, or contracts that provide education and awareness services to children and families.

Other State agencies, including the Department of Public Instruction, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Administration, shall ensure the incorporation of developmentally appropriate HIV/AIDS education, awareness, and outreach information into their programs.

The Department shall report on the implementation of this subsection on March 15, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 2.1.(aa) The sum of one hundred eighty thousand dollars ($180,000) appropriated in this section in the TANF Block Grant to the Department of Health and Human Services for the 2001-2002 fiscal year shall be used for Individual Development Accounts (IDA) for TANF-eligible individuals. The Social Services Commission shall adopt rules for the implementation of this subsection.

SECTION 2.1.(bb) If excess funds are available in the TANF Block Grant, the Department of Health and Human Services may use up to two hundred twenty thousand dollars ($220,000) to increase the appropriation in this section in the TANF Block Grant for the Work Central Career Advancement Center.

PART III. MEDICAID COST-CONTAINMENT AND GROWTH REDUCTION.

SECTION 3.(a) The Department of Health and Human Services, Division of Medical Assistance, shall contain Medicaid Program costs by reducing the rate of growth of the Medicaid Program, except for the rate of growth in the number of persons

eligible for Medicaid. The Department shall develop and implement a plan to reduce the rate of growth in total expenditures for payments for medical services for fiscal year 2002-2003 to eight percent (8%) or less of the total expenditures for the 2001-2002 fiscal year, excluding the rate of growth associated with eligibles.

SECTION 3.(b) In addition to findings and recommendations in the "North Carolina Medicaid Benefit Study", May 1, 2001, the Department of Health and Human Services may also consider the following actions to reduce the rate of growth in the Medicaid Program:

(1) Changes in methods of reimbursement;

(2) Changes in the method of determining or limiting inflation factors, or both;

(3) Recalibration of existing methods of reimbursement; and

(4) Contracting for services.

SECTION 3.(c) As part of any efforts to contain Medicaid Program costs, the Department of Health and Human Services, Division of Medical Assistance, shall establish reimbursement rates that will allow efficient Medicaid providers to comply with certification requirements, licensure rules, or other mandated quality or safety standards.

SECTION 3.(d) The Department shall report on its plans to reduce the rate of growth in the State Medicaid Program not later than December 1, 2001. The Department shall submit the report to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division.

SECTION 3.(e) The Department shall not change medical policy affecting the amount, sufficiency, duration, and scope of health care services and who may provide services until the Division of Medical Assistance has prepared a five-year fiscal analysis documenting the increased cost of the proposed change in medical policy and submitted it for departmental review. If the fiscal impact indicated by the fiscal analysis for any proposed medical policy change exceeds three million dollars ($3,000,000) in total requirements for a given fiscal year, then the Department shall submit the proposed policy change with the fiscal analysis to the Office of State Budget and Management and the Fiscal Research Division.

PART IV. MEDICAID COST-CONTAINMENT ACTIVITIES.

SECTION 4. The Department of Health and Human Services may use not more than three million dollars ($3,000,000) in each year of the 2001-2003 fiscal biennium in Medicaid funds budgeted for program services to support the cost of administrative activities when cost effectiveness and savings are demonstrated. The funds shall be used to support activities that will contain the cost of the Medicaid Program including contracting for services or hiring additional staff. Medicaid cost-containment activities may include prospective reimbursement methods, incentive-based reimbursement methods, service limits, prior authorization of services, periodic medical necessity reviews, revised medical necessity criteria, service provision

in the least costly settings, and other cost-containment activities. Funds may be expended under this section only after the Office of State Budget and Management has approved a proposal for the expenditure submitted by the Department. Proposals for expenditure of funds under this section shall include the cost of implementing the cost-containment activity and documentation of the amount of savings expected to be realized from the cost-containment activity. The Department shall provide a copy of proposals for expenditures under this section to the Fiscal Research Division.

PART V. MEDICAID PROGRAM MANAGEMENT.

SECTION 5.(a) The Department of Health and Human Services shall consider the findings and recommendations in the "North Carolina Medicaid Benefit Study", May 1, 2001, and shall target the following in considering whether and to what extent to implement recommendations:

(1) Reduction in the fragmentation in the medical benefit policy-making process.

(2) Improvement in the use of data and medical literature in the decision-making process.

(3) Improvement in the coordination of care and utilization review process.

(4) Strengthening of program integrity controls.

SECTION 5.(b) The Department shall implement a pharmacy management plan considering the recommendations of the "North Carolina Medicaid Benefit Study" to achieve anticipated cost savings. The pharmacy management plan may include the following activities:

(1) Establishing a prior authorization program to manage utilization of high-cost brand name drugs. In determining drugs to be included in the prior authorization program, the Department shall consider whether inclusion of these drugs is likely to:

a. Increase utilization of more expensive services;

b. Reduce quality of treatment;

c. Result in a lower level of compliance with appropriate drug therapy;

d. Have a differential impact upon racial and ethnic minorities and the elderly.

The Department shall conduct a review at least annually of the drugs included in the prior authorization program to determine whether any of the factors listed in this subdivision or other factors with similar results have occurred.

(2) Limiting prescription drugs to a 34-day supply for some or all drugs.

(3) Developing physician prescribing practice profiles and other educational tools to enable physicians to better manage their prescriptions.

(4) Establishing therapeutic limits based on appropriate dosage or usage standards.
(5) Encouraging use of generic drugs.
(6) Using maximum allowable pricing.
(7) Contracting with a pharmacy benefits manager to implement more extensive drug utilization review.
(8) Studying the impact of eliminating the six prescription drug monthly limit combined with a more rigorous prior authorization program to ensure cost decisions are made based on evidenced-based clinical guidelines.
(9) Expanding disease management initiatives.
(10) Working with ACCESS physicians to develop and implement drug utilization management initiatives.
(11) If cost-effective, expanding Medicaid drug coverage to include selected over-the-counter medications.

SECTION 5.(c) The Department shall report on all of the activities conducted under this section to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division not later than January 1, 2002.

PART VI. ADOPTION OF MEDICAL COVERAGE POLICY UNDER STATE MEDICAID PROGRAM; MEDICAL COVERAGE POLICY EXEMPT FROM RULE MAKING UNDER THE APA.

SECTION 6.(a) In order to promote consistency among providers and to ensure that medical coverage criteria are uniformly applied to Medicaid recipients throughout the State, the Department of Health and Human Services shall adopt medical coverage policies for the State Medicaid Program that are consistent with national standards or Department-defined standards. If the Department determines that application of a national standard would likely cause significant deterioration in the quality of or access to appropriate medical care, then the Department shall substitute for that national standard an evidence-based, best-practice standard that will not compromise quality of or access to appropriate medical care. The adoption of new or amended medical coverage policies under the State Medicaid Program are exempt from rule-making requirements of Chapter 150B of the General Statutes.

SECTION 6.(b) The Department shall develop, amend, and adopt medical coverage policy in accordance with the following:

(1) During the development of new medical coverage policy or amendment to existing medical coverage policy, consult with and seek the advice of the Physician Advisory Group of the North Carolina Medical Society and other organizations the Secretary deems appropriate.
(2) At least 45 days prior to the adoption of new or amended medical coverage policy, the Department shall:

a. Publish the proposed new or amended medical coverage policy on the Department's website;
b. Notify all Medicaid providers of the proposed, new, or amended policy; and
c. Upon request, provide persons copies of the proposed medical coverage policy.

(3) During the 45-day period immediately following publication of the proposed new or amended medical coverage policy, accept oral and written comments on the proposed new or amended policy.

(4) If, following the comment period, the proposed new or amended medical coverage policy is modified, then the Department shall, at least 15 days prior to its adoption:
a. Notify all Medicaid providers of the proposed policy;
b. Upon request, provide persons notice of amendments to the proposed policy; and
c. Accept additional oral or written comments during this 15-day period.

SECTION 6.(c) G.S. 150B-1(d), as amended by S.L. 2001-299, reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

(1) The Commission.
(2) Repealed by Session Laws 2000-189, s. 14, effective July 1, 2000.
(3) The North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-13 and G.S. 130B-14.
(4) The Department of Revenue, with respect to the notice and hearing requirements contained in Part 2 of Article 2A.
(5) The North Carolina Global TransPark Authority with respect to the acquisition, construction, operation, or use, including fees or charges, of any portion of a cargo airport complex.
(6) The Department of Correction, with respect to matters relating solely to persons in its custody or under its supervision, including prisoners, probationers, and parolees.
(7) The North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan in administering the provisions of Parts 2 and 3 of Article 3 of Chapter 135 of the General Statutes.
(8) The North Carolina Federal Tax Reform Allocation Committee, with respect to the adoption of the annual qualified allocation plan required by 26 U.S.C. § 42(m), and any agency designated by the Committee to the extent necessary to administer the annual qualified allocation plan.
(9) The Department of Health and Human Services in adopting new or amending existing medical coverage policies under the State Medicaid Program."

PART VII. TANF STATE PLAN.

SECTION 7.(a) The General Assembly approves the plan titled "North Carolina Temporary Assistance for Needy Families State Plan FY 2001-2003", prepared by the Department of Health and Human Services and presented to the General Assembly on May 15, 2001, as revised in accordance with subsection (b) of this section. The North Carolina Temporary Assistance for Needy Families State Plan covers the period October 1, 2001, through September 30, 2003. The Department shall submit the State Plan, as revised in accordance with subsection (b) of this section, to the United States Department of Health and Human Services as amended by this act or any other act of the 2001 General Assembly.

SECTION 7.(b) The Department of Health and Human Services shall revise the North Carolina Temporary Assistance for Needy Families State Plan FY 2001-2003, submitted to the General Assembly for approval on May 15, 2001. The revisions shall be made to the following Plan components:

(1) Enhanced Employee Assistance Program to reflect changes in funding.
(2) Services for Families to remove reference to start-up activities.
(3) Work Responsibility to remove reference to start-up activities.
(4) Cabarrus County Waiver to reflect changes in the law made by the 2001 General Assembly.
(5) Goal #8 to provide that caseload reduction goals are subject to economic conditions in the county.

SECTION 7.(c) The counties approved as Electing Counties in North Carolina's Temporary Assistance for Needy Families State Plan FY 2001-2003 as approved by this section are: Caldwell, Caswell, Davie, Henderson, Iredell, Lenoir, Lincoln, Macon, McDowell, Randolph, Sampson, Surry, and Wilkes.

SECTION 7.(d) Counties designated as electing counties pursuant to Section 12.27A of S.L. 1998-212 and who submitted the letter of intent to be redesignated as a standard county and the accompanying county plan for FY 2001-2003, pursuant to G.S. 108A-27(e), shall operate under the standard county budget requirements effective July 1, 2001. Counties that submitted the letter of intent to remain as an electing county or to be redesignated as an electing county and the accompanying county plan for FY 2001-2003, pursuant to G.S. 108A-27(e), shall operate under the electing county budget requirements effective July 1, 2001. For programmatic purposes, all counties referred to in this subsection shall remain under their current county designation through September 30, 2001.

PART VIII. NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS.

SECTION 8.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2002, according to the following schedule:

COMMUNITY DEVELOPMENT BLOCK GRANT

01.	State Administration	$1,000,000
02.	Urgent Needs and Contingency	1,000,000
03.	Scattered Site Housing	13,200,000
04.	Economic Development	8,710,000
05.	Community Revitalization	13,500,000
06.	State Technical Assistance	450,000
07.	Housing Development	2,000,000
08.	Infrastructure	5,140,000
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT - 2002 Program Year		$45,000,000

SECTION 8.(b) Decreases in Federal Fund Availability. – If federal funds are reduced below the amounts specified above after the effective date of this act, then every program in each of these federal block grants shall be reduced by the same percentage as the reduction in federal funds.

SECTION 8.(c) Increases in Federal Fund Availability for Community Development Block Grant. – Any block grant funds appropriated by the Congress of the United States in addition to the funds specified in this section shall be expended as follows: Each program category under the Community Development Block Grant shall be increased by the same percentage as the increase in federal funds.

SECTION 8.(d) Limitations on Community Development Block Grant Funds. – Of the funds appropriated in this section for the Community Development Block Grant, the following shall be allocated in each category for each program year: up to one million dollars ($1,000,000) may be used for State administration; up to one million dollars ($1,000,000) may be used for Urgent Needs and Contingency; up to thirteen million two hundred thousand dollars ($13,200,000) may be used for Scattered Site Housing; up to eight million seven hundred ten thousand dollars ($8,710,000) may be used for Economic Development; not less than thirteen million five hundred thousand dollars ($13,500,000) shall be used for Community Revitalization; up to four hundred fifty thousand dollars ($450,000) may be used for State Technical Assistance; up to two million dollars ($2,000,000) may be used for Housing Development; up to five million one hundred forty thousand dollars ($5,140,000) may be used for Infrastructure. If federal block grant funds are reduced or increased by the Congress of the United States after the effective date of this act, then these reductions or increases shall be allocated in accordance with subsection (b) or (c) of this section, as applicable.

SECTION 8.(e) Increase Capacity for Nonprofit Organizations. – Assistance to nonprofit organizations to increase their capacity to carry out CDBG-eligible activities in partnership with units of local government is an eligible activity under any program category in accordance with federal regulations. Capacity building grants may be made from funds available within program categories, program income, or unobligated funds.

SECTION 8.(f) Study. – The Department of Commerce shall study the development of a training program designed to provide a minimum level of knowledge and skills for Community Development Block Grant administrators. In conducting the study, the Department shall consult the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, the North Carolina Community Development Association, and the Institute of Government at the University of North Carolina at Chapel Hill.. The Department may use unencumbered and unspent State Technical Assistance funds from previous program years to conduct the study. The Department shall report its findings to the House and Senate Appropriations Subcommittees on Natural and Economic Resources and the Fiscal Research Division by February 1, 2002.

PART IX. ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS EXTENDED.

SECTION 9. Section 2 of S.L. 2001-253, as amended by Section 3 of S.L. 2001-322, reads as rewritten:

"**SECTION 2.** Notwithstanding G.S. 97-26, payment for medical treatment and services rendered to workers' compensation patients by a hospital on or after July 1, 2001, and before ~~September 1, 2001,~~September 15, 2001, shall be equal to the payment the hospital would have received for such treatment and services on June 30, 2001."

PART X. COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENT AND COMMUNITY COLLEGE AND UNIVERSITY TUITION INCREASES.

SECTION 10.(a) Beginning with the Fall 2001 academic semester, the State Board of Community Colleges shall increase the tuition charged to students enrolled in curriculum programs by three dollars and fifty cents ($3.50) per student credit hour up to 16 credit hours per semester.

SECTION 10.(b) There is appropriated from tuition receipts received by the Community Colleges System Office pursuant to subsection (a) of this section to the Community Colleges System Office the sum of ten million dollars ($10,000,000) for the 2001-2002 fiscal year to fully fund enrollment.

SECTION 10.(c) Beginning with the Fall 2001 academic semester, the Board of Governors of The University of North Carolina shall increase tuition for all students by nine percent (9%) per year above the rates charged for the 2000-2001 academic year. In addition, the differentials for graduate and professional schools adopted by the Board of Governors for the 2001-2002 academic year shall remain in

effect. The campus-initiated tuition increases approved by the Board of Governors for the 2001-2002 academic year shall also remain in effect. The receipts in this subsection are appropriated for the purpose of funding regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors as provided in subsection (e) of this section.

SECTION 10.(d) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of nine million six hundred seventy-two thousand one hundred six dollars ($9,672,106) for the 2001-2002 fiscal year for the purpose of fully funding regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors.

SECTION 10.(e) Of the funds and receipts appropriated by this section, the Board of Governors may expend up to forty million five hundred thirty-six thousand nine hundred sixty-three dollars ($40,536,963) for the purpose of funding enrollment.

SECTION 10.(f) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three million two hundred twenty-six thousand two hundred ten dollars ($3,226,210) for the 2001-2002 fiscal year to be allocated to the University Board of Governors Related Educational Programs to be used to provide funds for the Legislative Tuition Grant program and the State Contractual Scholarship program enrollment increases.

PART XI. STATE EMPLOYEE HEALTH PLAN FUNDING.

SECTION 11.(a) There is appropriated from the General Fund to the Reserve for State Health Plan the sum of one hundred fourteen million dollars ($114,000,000) for the 2001-2002 fiscal year.

SECTION 11.(b) There is appropriated from the Highway Fund to the Reserve for State Health Plan the sum of seven million dollars ($7,000,000) for the 2001-2002 fiscal year.

PART XII. BOND DEBT SERVICE.

SECTION 12. There is appropriated from the General Fund to the Department of State Treasurer the sum of twelve million three hundred thousand dollars ($12,300,000) for the 2001-2002 fiscal year to pay the debt service for bonds.

PART XIII. PROJECT COLLECT TAX COLLECTION.

SECTION 13. The Department of Revenue may initiate recruitment activities for personnel to implement Project Collect Tax; however, the Department shall not employ the personnel until the Current Operations and Capital Improvements Appropriations Act of 2001 becomes law.

PART XIV. REPLACE OPTICAL IMAGING SYSTEM IN RETIREMENT SYSTEMS DIVISION.

SECTION 14. There is appropriated to the Department of State Treasurer departmental receipts in the amount of two million four hundred sixty-five thousand

dollars ($2,465,000) for the 2001-2002 fiscal year to replace the optical imaging system used by the Retirement Systems Division.

PART XV. EFFECTIVE DATE.

SECTION 15. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 61

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S61-ALH-40 [v.2]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Representative Allred

moves to amend the bill on page 24, line 39 through page 25, line 5, by rewriting those lines to read:

"**SECTION 10.(c)** Beginning with the Fall 2001 academic semester and notwithstanding G.S. 116-144, the tuition charged nonresident students shall be set at a rate to generate thirty million eight hundred sixty-four thousand eight hundred fifty-seven dollars ($30,864,857) in additional out-of-state tuition receipts for the 2001-2002 academic year. The Board of Governors of The University of North Carolina shall not increase tuition for in-state students for the 2001-2002 academic year. The receipts in this subsection are appropriated for the purpose of funding regular term and distance education enrollment, including the enrollment hold harmless as requested by the Board of Governors and as provided in subsection (e) of this section."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 61

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S61-ALH-40 [v.2]

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

6 YES 16 NO = 22 (TOTAL)

HB# ____
SB# 61

HOUSE STANDING COMMITTEE ON Rules

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	
___	___	Culpepper	___	___	Michaux
___	✓	Hackney	___	___	Morgan
___	✓	Allen	___	✓	Rogers
✓	___	Allred	___	___	Setzer
___	✓	Barefoot	___	✓	Sherrill
___	✓	Barnhart	___	✓	Thompson
___	✓	Boyd-McInytyre	___	✓	Yongue
___	✓	Buchanan	___	___	
___	✓	Crawford	___	___	
✓	___	Culp	___	___	
___	___	Cunningham	___	___	
___	___	Fitch	___	___	
___	✓	Gibson	___	___	
✓	___	Gulley	___	___	
___	✓	Hill	___	___	
___	✓	Jarrell	___	___	
✓	___	Justus	___	___	
___	✓	Luebke	___	___	
✓	___	McComas	___	___	
✓	___	McCombs	___	___	
___	✓	McMahan	___	___	
___	___		Ex Officio members		
___	___		___	___	Majority Leader
___	___		___	___	Majority Whip
___	___		___	___	Majority Whip
___	___		___	___	Cunningham

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **CULPEPPER** (Chair) for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE.**

☒ Committee Substitute for
S.B. 61 A BILL TO BE ENTITLED AN ACT TO CONTINUE THE BUDGET AUTHORITY FOR STATE GOVERNMENT; TO APPROPRIATE FUNDS FOR HEALTH AND HUMAN SERVICES BLOCK GRANTS, FOR NATURAL AND ECONOMIC RESOURCES BLOCK GRANTS, FOR COMMUNITY COLLEGE, UNIVERSITY, AND PRIVATE COLLEGE ENROLLMENTS, FOR THE STATE HEALTH PLAN, FOR IMMEDIATE ASSISTANCE TO THE HIGHEST PRIORITY ELEMENTARY SCHOOLS, FOR KINDERGARTEN CLASS SIZE REDUCTION, AND FOR THE "MORE AT FOUR" PILOT PROGRAM; TO CONTAIN MEDICAID COSTS AND REDUCE THE RATE OF GROWTH IN EXPENDITURES FOR PAYMENTS FOR MEDICAL SERVICES; TO PROVIDE FOR MEDICAID COST-CONTAINMENT ACTIVITIES; TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT A MEDICAID PROGRAM MANAGEMENT PLAN; TO ADOPT A MEDICAL COVERAGE POLICY UNDER THE STATE MEDICAID PROGRAM AND TO EXEMPT THE POLICY FROM RULE MAKING UNDER THE STATE ADMINISTRATIVE PROCEDURE ACT; TO APPROVE THE TANF STATE PLAN; TO EXTEND PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO INCREASE TUITION RATES FOR THE COMMUNITY COLLEGES AND UNIVERSITIES; AND TO DELAY REIMBURSEMENTS TO LOCAL GOVERNMENTS FOR THE INTANGIBLES TAX.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill ~~(#)~~, ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

VISITOR REGISTRATION SHEET

Rules — Name of Committee

Aug. 28th — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
DAVID BARNES	Poyner + Spruill LLP
Ken Howell	Governor's office
[illegible]	" "
Austin Bunch	ECU
[illegible]	NCCCS
Bob Hobgood	AOC
[illegible]	Public Sch Forum
[illegible]	NCASA
[illegible]	FC
[illegible]	NCSAA
Brian Francis	Meck County
[illegible]	SENC
[illegible]	BPMHC
Angie Hart	MTE
[illegible]	NCCU
[illegible]	~~NCAA~~
Marie Lanier	UNCW
[illegible]	WCPSS
[illegible]	EGHS
Bill Wilson	NBATL
Sharnese Ransome	NCDSS
Zeb ALLEY	ALLEY ASSOCIATES
ALBERT WHITED	BELLSOUTH
WADE RAWLINS	News & Observer
Tim Crowley	UNC TV

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
AUGUST 29, 2001
1:05 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 470 - CLARIFY MV DEALER FRANCHISE LAWS

SB 649 – MV DEALER DISCLOSURE OF CERTAIN FEES

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

August 29, 2001

The Committee on Rules, Calendar and Operations of the House met on August 29, 2001 at 1:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barefoot, Barnhart; Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McComas, McCombs, Rogers, Setzer, Sherrill, Thompson and Yongue. Andy Dedmon, member at large, was also present.

Discussion continued on SENATE BILL 470 – AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW – continued. Representative Gibson withdrew his prior amendment and offered Amendment #3. Rick Zechini, staff attorney, was recognized to explain the amendment. The amendment would allow Ford Motor Company to continue its Blue Oval Program until 2007 as long as the program complies with existing law. If it is found by a pending court decision that it does not comply with existing law, Ford would be subject to the new provisions set out in Section 2.1 of the bill. Representative Sutton, the House handler of the bill, was recognized for response. He stated that the amendment is written so as to make Ford Motor Company's Blue Oval Program comply with existing North Carolina law. He argued that the Program was in defiance of North Carolina law when it was implemented and, therefore, not legal. Dave Horne, an attorney representing Ford Motor Company, and Vernon Small, an automobile dealer in Morehead City, spoke in favor of the amendment. Robert Glazer and David Farris, representing the North Carolina Automobile Dealers Association, spoke against the amendment. A lengthy discussion followed. Representative Gibson moved for adoption of the amendment. A roll call vote was taken, and the amendment failed by a vote of 15 to 7.

Representative Hackney offered a technical amendment. Rick Zechini was recognized to explain the amendment. It addressed the concerns raised by the Chairman regarding his desire not to affect existing legal action. The amendment contained what is commonly referred to as a savings clause, which essentially states that the changes to the statutes made by the bill do not affect any cause of action that arose prior to the changes taking effect. Representative Hackney moved for adoption of the amendment, and the motion carried. He then moved for a favorable report of a committee substitute incorporating the adopted amendments, unfavorable to the original House committee substitute, which motion carried.

SENATE BILL 649 – AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION. Dianna Jessup, staff attorney, explained a technical amendment offered by Representative Hackney. Following the explanation, Representative Hackney moved for adoption of the amendment, which motion carried.

Representative Sherrill then offered an amendment. She stated that there had been no change in the title and salvage vehicle law since the early nineties and requested Ken Levenbook, staff attorney, to explain the amendment. He stated that the amendment changes the words "branded and unbranded" to "annotated and unannotated." and clarifies that a salvage motor vehicle shall receive a clear title if the cost of repairs, including parts and labor, does not exceed 75% of its fair market value.

Representative Weatherly spoke in favor of the amendment Sharon Matthews, representing the Department of Motor Vehicles, spoke against it, stating that the DMV considers it as presenting a consumer protection problem. Representatives Hackney and Rogers stated that they were uncomfortable moving forward with the bill and requested that the bill and the pending amendment be postponed until the next meeting. Without objection, the Chairman so ordered.

There being no further business, the meeting adjourned at 2:15 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 470

Short Title:	Clarify MV Dealer Franchise Laws.	(Public)
Sponsors:	Senators Hoyle, Plyler, Dalton, Carter; Albertson, Allran, Ballantine, Berger, Carpenter, Cunningham, Forrester, Foxx, Garrou, Garwood, Harris, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein, and Wellons.	
Referred to:	Commerce.	

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-287 reads as rewritten:

"**§ 20-287. Licenses required.**

It shall be unlawful for any new motor vehicle dealer, used motor vehicle dealer, motor vehicle sales representative, manufacturer, factory branch, factory representative, distributor, distributor branch, distributor representative, or wholesaler to engage in business in this State without first obtaining a license as provided in this Article. It shall further be unlawful for any person, corporation, or other entity to sell, offer to sell, or, for any fee, commission, or other financial consideration, arrange for the sale of any new motor vehicle within this State unless such person, corporation, or other entity holds a current and valid franchise issued by a manufacturer, factory branch, factory representative, distributor, or distributor branch for the sale of such vehicle. If any motor vehicle dealer acts as a motor vehicle sales representative, the dealer shall obtain a motor vehicle sales representative's license in addition to a motor vehicle dealer's license. A sales representative may have only one license. The license shall show the name of each dealer or wholesaler employing the sales representative. ~~The~~ Subject to the provisions of G.S. 20-305.2, the following license holders may operate as a motor vehicle dealer without obtaining a motor vehicle dealer's license or paying an additional fee: a manufacturer, a factory branch, a distributor, and a distributor branch. Any of these license holders who operates as a motor vehicle dealer may sell motor vehicles at retail only at an established salesroom."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-301.1. Notice of additional charges against dealer's account; informal appeals procedure.**

(a) Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch to charge or assess one of its franchised dealers located in this State, or to charge or debit the account of such a dealer for goods, materials, or services, other than the published cost of new motor vehicles, unless the dealer receives a detailed itemized description of the nature and amount of each such charge in writing at least 10 days prior to the date such charge or account debit is to become effective or due. For purposes of this subsection, the charges or debits for which prior written notice is required include, but are not limited to: advertising or advertising materials; advertising or showroom displays; customer informational materials; computer or communications hardware or software; warranty reimbursement; sales incentives; parts; tools; signage; equipment; dealership operation guides and other materials; manufacturer catalog or program materials proposed for goods, materials, or services previously charged to the dealer.

(b) Upon receipt of a notice given pursuant to or in satisfaction of subdivision (a) above, or in the event a new motor vehicle dealer discovers an actual or proposed charge or debit for which a manufacturer should have provided prior written notice under subdivision (a) above, the dealer, if he believes the charge to be unreasonable, or contrary to the provisions of this Article or the franchise, may challenge the charge either by filing a petition before the Commissioner as provided in G.S. 20-301(b) or, if the amount in controversy is less than or equal to ten thousand dollars ($10,000), the dealer may, in his discretion, instead utilize the informal dispute resolution procedure provided in subsection (c) below.

(c) Any franchised new motor vehicle dealer who seeks to challenge an actual or proposed debit or charge to the dealer or to the dealer's account in amount less than or equal to ten thousand dollars ($10,000) may, in lieu of filing a formal petition before the Commissioner as provided in G.S. 20-301(b), proceed as provided in this subsection.

(1) The dealer shall send a letter to the Commissioner by certified or registered mail, return receipt requested, identifying the actual or proposed charges the dealer seeks to challenge and the reason or basis for such challenge. Unless the dealer specifically states in the letter that the dealer will be represented before the Commissioner by legal counsel, the matter shall be considered and heard by the Commissioner without the appearance of legal counsel by either the dealer or manufacturer. Upon the mailing of a letter to the Commissioner under this subsection, any chargeback to or any payment required of a dealer by a manufacturer shall be stayed during the pendency of the determination by the Commissioner.

(2) Upon the receipt of the dealer's letter, the Commissioner shall forward a copy of the dealer's letter to the affected manufacturer, by certified or

registered mail, return receipt requested, along with a notice stating the date and time of a meeting to be held at the dealership at which time the parties shall informally provide evidence and arguments in support of their respective positions on the charges identified in the dealer's letter to the Commissioner.

(3) At least 10 days prior to the meeting, the affected manufacturer shall, by certified or registered mail, return receipt requested, send the dealer and Commissioner a detailed response to the allegations raised in the dealer's letter.

(4) The meeting at the dealership shall be conducted in an informal manner under the direction of the Commissioner and the meeting shall not be recorded or transcribed, nor shall any witnesses be sworn. The manufacturer shall have the burden of proving that the amount of any actual or proposed charge or debit challenged by the dealer is both reasonable and justifiable under the law. Neither the Rules of Civil Procedure nor the Rules of Evidence shall be applicable.

(5) If the parties fail to resolve their dispute at the meeting or within 10 days thereafter, the Commissioner, by certified or registered mail, shall notify the parties of his determination within 30 days. The Commissioner shall state the factual and legal bases of his findings and, unless an appeal is taken by the manufacturer or dealer as provided in this subsection, it shall be unlawful for a manufacturer to require payment from a dealer or charge or debit the dealer's account for any contested charge or series of charges, if the Commissioner fails to determine that such charge or series of charges is both reasonable in amount and justifiable under the law.

(6) Within 30 days after receipt of the Commissioner's determination either the dealer or manufacturer may appeal the determination of the Commissioner and obtain a trial de novo, in the matter by filing a complaint in the General Court of Justice in the county in which the dealership is located. Upon the filing of such a complaint, the determination of the Commissioner shall immediately be stayed, provided, however, that the manufacturer shall not require payment from the dealer or debit or charge the dealer's account unless and until a final judgment supporting such payment or charge has been rendered by the Court. Trial de novo shall take place in the General Court of Justice either with or without a jury as in the case of other civil actions; either or both parties may elect to be represented by legal counsel; the determination of the Commissioner shall not be presented to or considered by the Court; and the parties and Court shall comply with the Rules of Civil Procedure and Rules of Evidence. At the trial, the manufacturer shall have the burden of proving that the amount of any actual or proposed charge or debit challenged by the dealer is both reasonable in amount and justifiable under the law. Appeal from the

final judgment of the Court may be taken by either party in the same manner and in accordance with the same procedure as in other civil actions."

SECTION 3. G.S. 20-305(30) reads as rewritten:

"~~(30) To vary the price charged to any of its franchised new motor vehicle dealers located in this State for new motor vehicles based on the dealer's purchase of new facilities, supplies, tools, equipment, or other merchandise from the manufacturer, the dealer's relocation, remodeling, repair, or renovation of existing dealerships or construction of a new facility or upon the dealer's participation in training programs sponsored, endorsed, or recommended by the manufacturer.~~

~~The price of the vehicle, for purposes of this subdivision shall include the manufacturer's use of rebates, credits, or other consideration which has the effect of causing a variance in the price of new motor vehicles offered to its franchised dealers located in the State.~~

~~Notwithstanding the foregoing, nothing in this subdivision shall be deemed to preclude a manufacturer from establishing sales contests or promotions which provide or award dealers or consumers rebates or incentives.~~

~~Nothing contained in this subdivision shall prohibit a manufacturer from providing assistance or encouragement to a franchised dealer to remodel, renovate, recondition, or relocate the dealer's existing facilities, provided that this assistance, encouragement, or rewards are not determined on a per vehicle basis.~~

~~In the event that at the time of the ratification of this act a manufacturer is currently operating a program or has in effect a policy which would violate this subdivision after October 1, 1999, it shall be lawful for that program or policy, or a program or policy similar thereto implemented after the effective date of this act, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, 2002. Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.~~

(30) To offer to sell or lease or to sell or lease any new motor vehicle or accessory to any dealer at a lower actual price therefore than the actual price offered to any other dealer for the same model similarly equipped or accessory or to use any device, including, but not limited to, an incentive, sales promotion plan, or other similar program, which results in a lower actual price of a vehicle or accessory being offered to one dealer and which is not offered to other dealers of vehicles of the same line-make or the same accessory.

For purposes of this subdivision, the price of a vehicle shall include the manufacturer's use of manufacturer-to-dealer rebates, incentives, credits, or any other financial consideration which has the effect of causing any of the manufacturer's dealers located in this State to be required to pay more for any vehicle similarly equipped than any of that manufacturer's other dealers located in this State.

The practices, policies, and programs specifically prohibited under this subdivision include, but are not limited to, manufacturer-to-dealer rebates, incentives, credits, or any other financial consideration paid or awarded by manufacturers to new motor vehicle dealers on the basis of: a dealer's acquisition of a new facility or relocation or renovation of an existing facility; whether or not a dealer is dualed with one or more other line-makers of vehicles; a dealer's sales volume or penetration; a dealer's level of sales or service customer satisfaction; a dealer's purchase of advertising materials, signage, tools, equipment, computer hardware or software, communications devices, or furnishings; or a dealer's participation in training, used vehicle inspection or certification, or other programs sponsored or endorsed by the manufacturer.

It shall not be unlawful under this subdivision for a manufacturer to offer or provide manufacturer-to-dealer rebates, incentives, or other payments to its franchised dealers located in this State, as long as the same per vehicle dollar amount of any such rebate, incentive, or other payment is uniformly available to all of its franchised dealers located in this State without regard to the number of vehicles sold by the dealer or other requirements, conditions, limitations, or restrictions. It shall further not be unlawful for any manufacturer to offer or provide direct manufacturer-to-consumer rebates, incentives, or other payments to purchasers within this State, as long as the same dollar amount of such rebates, incentives, or other payments are available during any stated period of time to all purchasers of identified models or series of vehicles without condition, limitation, or other restriction. Nothing contained in this subdivision shall prohibit a manufacturer from providing assistance or encouragement to a franchised dealer to remodel, renovate, recondition, or relocate the dealer's existing facilities, provided that this assistance, encouragement, or reward is not determined on a per vehicle basis.

It is unlawful for any manufacturer to charge or include the cost of any programs or policy prohibited under this subdivision in the selling price of vehicles which the manufacturer sells to its franchised dealers located in this State.

The provisions of this subdivision shall apply both to existing and future programs and policies of all manufacturers that distribute new motor vehicles to new motor vehicle dealers located in this State and

shall apply irrespective of any contrary provision contained in any franchise agreement or novation; provided, however, that in the event that as of October 1, 1999, a manufacturer was operating a program or had in effect a policy which would violate this subdivision, it shall be lawful for that program or policy to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, 2002. Any manufacturer shall be required to pay or otherwise compensate any franchise dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy."

SECTION 4. G.S. 20-305.2(b) reads as rewritten:

"(b) This section shall not apply to manufacturers or distributors of ~~trailers, motor homes,~~ trailers or semitrailers."

SECTION 5. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-305.6. Unlawful for manufacturer or captive finance company to unfairly discriminate among dealers.**

(a) Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any manufacturer, factory branch, distributor, or distributor branch to:

(1) Offer or distribute goods or services to one or more of its franchised dealers located in this State at a lower price or on a more favorable basis than is available to any of its other franchised dealers located in this State;

(2) Treat its franchised dealers located in this State who have dualed facilities at which the vehicles distributed by such manufacturer are sold or serviced with one or more other line-makes of vehicles on a less favorable basis than it treats its dealers who exclusively sell vehicles distributed by such manufacturer; or

(3) Otherwise treat one or more of its franchised dealers located in this State on a more favorable basis than it treats any of its other franchised dealers located in this State.

(b) Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any leasing company, finance company, or other lender that is owned, operated, or controlled by a manufacturer, factory branch, distributor, or distributor branch, to offer less favorable terms to or treat any of the dealers franchised by such manufacturer, factory branch, distributor, or distributor branch in this State with whom such leasing company, finance company, or other lender engages in business on a less favorable basis than it offers to or treats any of such manufacturer's other franchised dealers located in this State."

SECTION 6. G.S. 20-308.1 reads as rewritten:

"**§ 20-308.1. Civil actions for violations.**

(a) Notwithstanding the terms, provisions or conditions of any agreement or franchise or other terms or provisions of any novation, waiver or other written

instrument, any person who is or may be injured by a violation of a provision of this Article, or any party to a franchise who is so injured in his business or property by a violation of a provision of this Article relating to that franchise, or an arrangement which, if consummated, would be in violation of this Article may, notwithstanding the initiation or pendency of, or failure to initiate an administrative proceeding before the Commissioner concerning the same parties or subject matter, bring an action for damages and equitable relief, including injunctive relief, in any court of competent jurisdiction with regard to any matter not within the jurisdiction of the Commissioner or that seeks relief wholly outside the authority or jurisdiction of the Commissioner to award.

(b) ~~Where the violation of a provision of this Article can be shown to be malicious or wanton, or if continued multiple violations of a provision or provisions of this Article occur, the court may award punitive damages, attorneys' fees and costs in addition to any other damages under this Article.~~

Any new motor vehicle dealer who has suffered pecuniary loss or who has been otherwise adversely affected because of a violation of a provision of this Article by a manufacturer, factory branch, distributor, or distributor branch, notwithstanding the existence of any other remedies under this Article, has a cause of action against such manufacturer, factory branch, distributor, or distributor branch licensee for damages and may recover damages therefore in any court of competent jurisdiction in an amount equal to treble the pecuniary loss, together with costs and reasonable attorneys' fees to be assessed by the court. Upon a prima facie showing by the new motor vehicle dealer bringing the action that such a violation by the manufacturer, factory branch, distributor, or distributor branch has occurred, the burden of proof shall then be upon the manufacturer, factory branch, distributor, or distributor branch to prove that such violation or unfair practice did not occur.

(c) A new motor vehicle dealer, if he has not suffered any loss of money or property, may obtain final equitable relief if it can be shown that the violation of a provision of this Article by a manufacturer or distributor may have the effect of causing such loss of money or property.

(d) Any association which is comprised of a minimum of 500 motor vehicle dealerships, substantially all of whom are new motor vehicle dealerships located within North Carolina, and which represents the collective interests of such members, shall have standing to file a petition before the Commissioner or a cause of action in the General Court of Justice of North Carolina for itself, or on behalf of any or all of its members seeing a determination whether one or more manufacturers, factory branches, distributors, or distributor branches doing business in this State has violated any of the provisions of this Article, or for the determination of any rights created or defined by this Article, so long as the association alleges an injury to the collective interest of its members cognizable under this section. A cognizable injury to the collective interest of the members of such an association shall be deemed to occur if:

(1) A manufacturer, factory branch, distributor, or distributor branch doing business in this State has engaged in any conduct or taken any action which actually harms or affects, or threatens to harm or affect, all of

the franchised new motor vehicle dealers holding franchises with that manufacturer, factory branch, distributor, or distributor branch in this State; or

(2) ~~Where there are continued violations of a provision or provisions of this Article and it can be shown that the violations are willful or wanton, the court, in addition to any other remedy or awards of damages under this Article may assess monetary penalties.~~ An action is taken by the State of North Carolina which actually harms or affects, or threatens to harm or affect, all new motor vehicle dealers within this State."

SECTION 7. G.S. 20-305 is amended by adding a new subdivision to read:

"(38) Notwithstanding the terms, provisions, or conditions of any agreement or franchise or other terms or provisions of any novation, waiver, or other written instrument, to assign or change a new motor vehicle dealer's area of responsibility under the franchise arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the dealer's market. A new motor vehicle dealer who believes that a manufacturer, factory branch, distributor, or distributor branch with whom the dealer has entered into a franchise has violated this subdivision may file a petition before the Commissioner as provided in G.S. 20-301(b) contesting the dealer's assigned area of responsibility. At the hearing before the Commissioner, the affected manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving that all portions of its current or proposed area of responsibility for the petitioning dealer are reasonable in light of the present or projected future pattern of motor vehicle sales and registrations within the dealer's market."

SECTION 8. If any clause or provision contained in this act shall be determined to be unconstitutional or unenforceable, that unconstitutionality or unenforceability shall not affect the validity of all remaining clauses or provisions not specifically determined to be unconstitutional or unenforceable.

SECTION 9. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

S470-ASG-79 [v.8]

Date 8/29/01 ,2001

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Representative

moves to amend Senate Bill 470, Third Edition, as amended by Amendment #1, on page 1, line 2, by rewriting the line to read:

"AN ACT TO AMEND THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS TO REQUIRE NOTICE OF ADDITIONAL CHARGES AGAINST DEALER'S ACCOUNTS; TO PROHIBIT A MANUFACTURER FROM VARYING THE PRICE OF NEW MOTOR VEHICLES BASED UPON VARIOUS FACTORS; TO ALLOW MANUFACTURERS TO CONTINUE EXISTING PRICING PROGRAMS AND POLICIES UNDER EXISTING LAW; TO ESTABLISH STANDARDS FOR MANUFACTURER REBATES AND INCENTIVES; TO PROHIBIT A MANUFACTURER OF RECREATION VEHICLES FROM OWNING A DEALERSHIP; TO PROHIBIT A MANUFACTURER FROM DISCRIMINATING AGAINST DEALERS; TO PROVIDE THAT PUNITIVE DAMAGES, ATTORNEYS' FEES, AND COSTS MAY BE AWARDED WHERE A VIOLATION OF THE LICENSING LAWS IS WILLFUL; TO PROVIDE THAT AN ASSOCIATION REPRESENTING DEALERS HAS STANDING; TO PROHIBIT THE ARBITRARY CHANGING OF A DEALER'S AREA OF RESPONSIBILITY; AND TO PROTECT DEALERS FROM REQUIREMENTS OR COERCION TO BUY SIGNS.";

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S470-ASG-79 [v.8]

on page 5, lines 4 through 15, by rewriting the lines to read:

"In the event that ~~at the time of the ratification of this act~~ as of January 1, 2001, a manufacturer ~~is currently~~ was operating a program or ~~has~~ had in effect a ~~policy~~ policy, or promotional or incentive program or other benefit, including financial incentives, that was in compliance with the law in effect as of January 1, 2001, ~~which would violate this subdivision after October 1, 1999,~~ it shall be lawful for that program or policy, including amendments to that program or policy that comply with the law in effect as of January 1, 2001, and that are consistent with the purpose and provisions of the existing program or policy, ~~or a program or policy similar thereto implemented after the effective date of this act,~~ to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, ~~2002.~~ 2007, as long as the program or policy continues to be in compliance with the law in effect as of January 1, 2001. Any manufacturer shall be required to pay or otherwise compensate any ~~franchise~~ franchised dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy.'";

on page 6, line 41 through page 7, line 10, by rewriting the lines to read:

"In the event that as of January 1, 2001, a manufacturer was operating a program or had in effect a policy, or promotional or incentive program or other benefit, including financial incentives, that was in compliance with the law in effect as of January 1, 2001, it shall be lawful for that program or policy, including amendments to that program or policy that comply with the law in effect as of January 1, 2001, and that are consistent with the

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S470-ASG-79 [v.8]

purpose and provisions of the existing program or policy, to continue in effect as to the manufacturer's franchised dealers located in this State until December 31, 2007, as long as the program or policy continues to be in compliance with the law in effect as of January 1, 2001. Any manufacturer shall be required to pay or otherwise compensate any franchised dealer who has earned the right to receive payment or other compensation under a program in accordance with the manufacturer's program or policy."; and,

on page 10, lines 20 and 21, by rewriting the lines to read:

"**SECTION 8.** This act is effective when it becomes law and applies to causes of action arising on or after the date the act becomes effective.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

7 YES 15 NO = 22 (TOTAL)

HB# ____
SB# 470

HOUSE STANDING COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Culpepper	✓		Jarrell
___	✓	Hackney	___	✓	Justus
___	___	Allen	___	___	Luebke
___	✓	Allred	___	✓	McComas
___	✓	Barefoot	___	✓	McCombs
___	✓	Barnhart	___	___	McMahan
✓	___	Boyd-McIntyre	___	___	Michaux
___	✓	Buchanan	✓	___	Morgan
___	✓	Crawford	___	✓	Rogers
___	✓	Culp	✓	___	Setzer
___	___	Fitch	___	✓	Sherrill
✓	___	Gibson	✓	___	Thompson
___	✓	Gulley	✓	___	Yongue
___	✓	Hill	___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		Ex officio Members		
___	___		___	___	Speaker Pro Tem
___	___		___	___	Majority Leader
___	___		___	✓	Majority Whip

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 470

AMENDMENT NO. 4
(to be filled in by
Principal Clerk)

S470-ASG-80 [v.3]

Date _____,2001

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Representative Hackney

moves to amend the bill on page 10, lines 20 and 21, by rewriting the lines to read:

"**SECTION 8.** Section 2.1 of this act becomes effective March 1, 2003 and applies to causes of action arising on or after that date. All other sections of this act are effective when they become law and apply to causes of action arising on or after that date.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ House Committee Substitute #1for
S.B. 470 A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE 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 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 649

Short Title:	MV Dealer Disclosure of Certain Fees.	(Public)
Sponsors:	Senators Hoyle, Plyler, Dalton, and Carter.	
Referred to:	Commerce.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-101.1. Conspicuous disclosure of dealer administrative fees.**

(a) No motor vehicle dealer may charge an administrative, origination, documentary, procurement, or other similar administrative fee related to the sale or lease of a motor vehicle, whether or not that fee relates to costs or charges which the dealer is required to pay to third parties or is attributable to the dealer's internal overhead or profit, unless the dealer complies with all of the following requirements:

(1) The dealer shall post a conspicuous notice in the sales or finance area of the dealership at least 24 inches on each side informing customers that a fee regulated by this section may or will be charged and the amount of the fee.

(2) The fact that the dealer charges a fee regulated by this section and the amount of the fee shall be disclosed whenever the dealer engages in the price advertising of vehicles.

(3) The amount of a fee regulated by this section shall be separately identified on the customer's buyer's order, purchase order, or bill of sale.

(b) Nothing contained in this section or elsewhere under the law of this State shall be deemed to prohibit a dealer from, in the dealer's discretion, deciding not to charge an administrative, origination, documentary, procurement, or other similar administrative fee or reducing the amount of the fee in certain cases, as the dealer may deem appropriate.

(c) Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any manufacturer, manufacturer branch, distributor, or distributor branch to prevent, attempt to prevent, prohibit, coerce, or attempt to coerce, any new motor vehicle dealer located in this State from charging any administrative, origination, documentary, procurement, or other similar administrative fee related to the sale or lease of a motor vehicle. It shall further be unlawful for any manufacturer, manufacturer branch, distributor, or distributor branch, notwithstanding the terms of any contract, franchise, novation, or agreement, to prevent or prohibit any new motor vehicle dealer in this State from participating in any program relating to the sale of motor vehicles or reduce the amount of compensation to be paid to any dealer in this State, based upon the dealer's willingness to refrain from charging or reduce the amount of any administrative, origination, documentary, procurement, or other similar administrative fee related to the sale or lease of a motor vehicle."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-101.2. Conspicuous disclosure of dealer finance yield charges.**

(a) No motor vehicle dealer may charge a fee or receive a commission or other compensation for providing, procuring, or arranging financing for the retail purchase or lease of a motor vehicle, unless the dealer complies with both of the following requirements:

(1) The dealer shall post a conspicuous notice in the sales or finance area of the dealership at least 24 inches on each side informing customers that the dealer may receive a fee, commission, or other compensation for providing, procuring, or arranging financing for the retail purchase or lease of a motor vehicle, for which the customer may be responsible.

(2) The dealer shall disclose conspicuously on the purchase order or buyer's order, or on a separate form provided to the purchaser at or prior to the closing on the sale of the vehicle, that the dealer may receive a fee, commission, or other compensation for providing, procuring, or arranging financing for the retail purchase or lease of a motor vehicle, for which the customer may be responsible.

(b) Nothing contained in this section or elsewhere under the law of this State shall be deemed to require that a motor vehicle dealer disclose to any actual or potential purchaser the dealer's contractual arrangements with any finance company, bank, leasing company, or other lender or financial institution, or the amount of markup, profit, or compensation which the dealer will receive in any particular transaction or series of transactions from the charging of such fees."

SECTION 3. Nothing contained in Section 1 or 2 above or elsewhere under the law of this State shall be deemed as imposing any civil or criminal liability on motor vehicle dealers located in this State for failure to disclose any of the information required to be in Sections 1 and 2 above prior to the effective date of this act.

SECTION 4. G.S. 20-288(e) reads as rewritten:

"(e) Each applicant approved by the Division for license as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall furnish a corporate surety bond or cash bond or fixed value equivalent of the bond. The amount of the bond for an applicant for a motor vehicle dealer's license is ~~twenty-five thousand dollars ($25,000)~~ fifty thousand dollars ($50,000) for one established salesroom of the applicant and ~~ten thousand dollars ($10,000)~~ twenty-five thousand dollars ($25,000) for each of the applicant's additional established salesrooms. The amount of the bond for other applicants required to furnish a bond is ~~twenty-five thousand dollars ($25,000)~~ fifty thousand dollars ($50,000) for one place of business of the applicant and ~~ten thousand dollars ($10,000)~~ twenty-five thousand dollars ($25,000) for each of the applicant's additional places of business.

A corporate surety bond shall be approved by the Commissioner as to form and shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Article and Article 15. A cash bond or fixed value equivalent thereof shall be approved by the Commissioner as to form and terms of deposits as will secure the ultimate beneficiaries of the bond; and such bond shall not be available for delivery to any person contrary to the rules of the Commissioner. Any purchaser of a motor ~~vehicle~~ vehicle, including a motor vehicle dealer, who shall have suffered any loss or damage by the failure of any license holder subject to this subsection to deliver free and clear title to any vehicle purchased from a license holder or any other act of a license holder subject to this subsection that constitutes a violation of this Article or Article 15 of this Chapter shall have the right to institute an action to recover against the license holder and the surety. Every license holder against whom an action is instituted shall notify the Commissioner of the action within 10 days after served with process. A corporate surety bond shall remain in force and effect and may not be canceled by the surety unless the bonded person stops engaging in business or the person's license is denied, suspended, or revoked under G.S. 20-294. ~~Such~~ That cancellation may be had only upon 30 days' written notice to the Commissioner and shall not affect any liability incurred or accrued prior to the termination of such 30-day period. This subsection does not apply to a license holder who deals only in trailers having an empty weight of 4,000 pounds or less. This subsection does not apply to manufacturers of, or dealers in, mobile or manufactured homes who furnish a corporate surety bond, cash bond, or a fixed value equivalent ~~thereof,~~ pursuant to G.S. 143-143.12."

SECTION 5. Sections 1, 2, and 3 of this act become effective October 1, 2001. Section 4 of this act is effective when it becomes law.

SB 649:
MV Dealer Disclosure of Certain Fees.

BILL ANALYSIS

Committee:	House Rules	**Introduced by:**	Senator Hoyle
Date:	August 29, 2001	**Summary by:**	Dianna Jessup
Version:	First Edition		Committee Counsel

Summary: *Senate Bill 649 amends the motor vehicles law to require conspicuous disclosure of motor vehicle dealer administrative fees and finance yield charges and to increase the surety bond requirement for license applicants under the MV Dealer's and Manufacturer's Licensing Law.*

BILL ANALYSIS:

Disclosure Requirements.

- **Administrative Fees.** ***Section 1*** of the bill requires motor vehicle dealers to disclose administrative fees, such as origination fees, associated with the sale or lease of a vehicle. The administrative fee must be disclosed on a sign in the sales area of the dealership, disclosed in any price advertising of vehicles, and separately identified on a bill of sale. The bill also prohibits motor vehicle manufacturers from preventing dealers from charging administrative fees.
- **Financing Fees/Commission.** ***Section 2*** of the bill requires that dealers must also disclose that they receive fees or commissions for providing or procuring financing for the purchase or lease of a vehicle. The fact that a dealer may receive a fee/commission from the loan arrangement must be disclosed on a sign in the sales area of the dealership and on the purchase order. However, there is no requirement that they disclose the amount of the fee or other aspects of the dealer's contractual arrangement with a lender.
- **Section 3** of the bill provides that the disclosure requirements contained in sections 1 and 2 of the bill do not impose any civil or criminal liability on a dealer for failure to make the required disclosures.

Corporate Surety Bond Requirements. Under current law, all applicants approved for a license as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler must post a bond of $25,000 for one established salesroom (for a dealer) or place of business (for the other licensees) and $10,000 for every additional salesroom (for a dealer) or additional place of business (for other licensees). ***Section 4*** of the bill would increase the $25,000 bonding requirement to $50,000 and the $10,000 bonding requirement to $25,000.

Failure to Deliver Free and Clear Title. ***Section 4*** of the bill also clarifies that dealers who have suffered a loss due to the failure of a license holder to deliver free and clear title to a vehicle to that dealer, has the right to institute an action to recover against the offending license holder and the surety bond.

Effective Date. Sections 1 through 3 become effective October 1, 2001, and the remainder of the act becomes effective when it becomes law.

Esther Manheimer and Karen Cochrane-Brown contributed to this summary.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 649

AMENDMENT NO. 1
(to be filled in by Principal Clerk)

S649-ASW-49 [v.1]

Date _____,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Hackney

moves to amend the bill on page 1, line 9, by deleting "No" and substituting "A", and by deleting "may" and substituting "shall not"; and
on page 1, line 11, by deleting "which" and substituting "that"; and
on page 1, line 15, and page 2, line 22, by inserting the word "measuring" between the words "dealership" and "at"; and
on page 2, line 17, by deleting " No" and substituting "A", and by deleting "may" and substituting "shall not"; and
on page 2, line 37, by deleting "which" and substituting "that".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 649

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S649-ALK-74 [v.2]

Date _____,2001

Comm. Sub. [NO]
Amends Title [YES]
First Edition

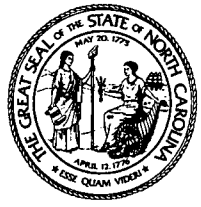
Representative Sherrill

moves to amend the bill on page 1, line 4,
by rewriting that line to read:
"TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE STATUTES ON TITLING SALVAGE AND OTHER VEHICLES.";
and further moves to amend the bill on page 3, lines 34 and 35,
by rewriting those lines to read:
"**SECTION 5.** G.S. 20-71.3 reads as rewritten:
`**§ 20-71.3. Salvage and other vehicles – titles and registration cards to be ~~branded.~~annotated.**

(a) Motor vehicle certificates of title and registration cards issued pursuant to G.S. 20-57 shall be ~~branded~~ ANNOTATED in accordance with this section.

~~As used in this section, "branded" means that the title and registration card shall contain a designation that discloses if the vehicle is classified as any of the following:~~

~~(1) Salvage Motor Vehicle.~~
~~(2) Salvage Rebuilt Vehicle.~~
~~(3) Reconstructed Vehicle.~~
~~(4) Flood Vehicle.~~
~~(5) Non-U.S.A. Vehicle.~~
~~(6) Any other classification authorized by law.~~



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 649

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S649-ALK-74 [v.2]

The ~~unbranded~~ unannotated title shall be issued only if the cost of repairs, including parts and labor, does not exceed seventy-five percent (75%) of its fair market retail value.

(f) The Division shall maintain the affidavits required by this section and make them available for review and copying by persons researching the salvage and repair history of the vehicle.

(g) Any motor vehicle that ~~has been branded in another state~~ is to be retitled in this state that is a flood vehicle, a non-U.S.A. vehicle, a reconstructed vehicle, a salvage rebuilt vehicle, or a junk vehicle, as defined in G.S. 20-4.01(33), and has a title from another state indicating that status, shall have its North Carolina title ~~be branded with the nearest applicable brand specified in this section,~~ similarly annotated, except that no junk vehicle or vehicle that has been branded junk in another state shall be titled or registered.

(h) A ~~branded~~ title for a salvage motor ~~vehicle~~ vehicle, as defined in G.S. 20-4.01(33)d., shall be annotated as a salvage rebuilt vehicle only if it was damaged by collision or other occurrence ~~shall be issued~~ and if the cost of repairs, including parts and labor, exceeds seventy-five percent (75%) of its fair market retail value.

(i) Once the Division has issued ~~a branded~~ an annotated title for a motor vehicle all subsequent titles for that motor vehicle shall continue to reflect the ~~branding.~~annotation.

(j) The Division shall prepare necessary forms and may adopt rules required to carry out the provisions of this Part.'

(b) Any motor vehicle up to and including six model years old damaged by collision or other occurrence, that is to be retitled in this State, shall be subject to preliminary and final inspections by the Enforcement Section of the Division.

These inspections serve as antitheft measures and do not certify the safety or road-worthiness of a vehicle.

(c) The Division shall not retitle a vehicle described in subsection (b) of this section that has not undergone the preliminary and final inspections required by that subsection.

(d) Any motor vehicle up to and including six model years old that has been inspected pursuant to subsection (b) of this section may be retitled with an ~~unbranded~~ unannotated title based upon a title application by the rebuilder with a supporting affidavit disclosing all of the following:

(1) The parts used or replaced.
(2) The major components replaced.
(3) The hours of labor and the hourly labor rate.
(4) The total cost of repair.

The ~~unbranded~~ unannotated title shall be issued only if the cost of repairs, including parts and labor, does not exceed seventy-five percent (75%) of its fair market retail value.

(e) Any motor vehicle more than six model years old damaged by collision or other occurrence that is to be retitled by the State may be retitled, without inspection, with an ~~unbranded~~ unannotated title based upon a title application by the rebuilder with a supporting affidavit disclosing all of the following:

(1) The parts used or replaced.
(2) The major components replaced.
(3) The hours of labor and the hourly labor rate.
(4) The total cost of repair.

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SECTION 6. Sections 1, 2, and 3 of this act become effective October 1, 2001. Sections 4 and 5 of this act are effective when they become law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

RULES
Name of Committee

8/29/01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Jarry Bundy	LBA
HAROLD WEBB	NC ADA
Dick Coulton	Coulton Mercucher PLLC
Shawn Mercer	JHVG, PLLC
Mary Carmichael	REBIC
Brian Francis	Meck County
Mike Causey	McDonald & Meyer, PLLC
Kerry Powell	NC Auto Dealers
Sarah Blazewicz	NCADA.
Diane Turner	NCADA
DAVID BRYAN	NCADA
SAM JOHNSON	ATT4
TOMMY HARRELSON	Wblmtn
[illegible]	Capitol Transp
ROBERT GLASSER	NCADA
N. BRYAN	"
[illegible]	"
Jim Nance	NCADA
DAN DEVANE	NC DOT
Angela Strach	NC DOT
Bobby H. Barbee Jr	NC. Resp.
Sharon Matthews	DOT | DMV
JOHN GOODMAN	LINWOOD MERCER & ASSOC.
[illegible] Harris	LN Harris & Assoc
[illegible]	Ford Motor Co
Donna Simpson	Ford Motor Co.
Emily Fulkerson	Smith Anderson
[illegible]	Charlotte Chamber

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
SEPTEMBER 12, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 623 – PUBLIC CONSTRUCTION LAW CHANGES

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

September 12, 2001

The Committee on Rules, Calendar and Operations of the House met on September 12, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building, The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Justus, McComas, McCombs, McMahan, Michaux, Morgan, Rogers, Setzer, Sherrill and Yongue. Also present were Representatives Cunningham and Dedmon, members at large.

The following bill was considered:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 623 – AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE. Representative McMahan, sponsor of the original bill, was recognized and noted that after receiving a favorable report in the Committee on State Government, substantial changes were made in the bill by the Senate committee substitute. He gave a general overview of the bill and stated that the most controversial issue of the bill concerns a problem that has existed for many years between civil engineers and landscape architects. Earlier this year the Attorney General's office submitted an advisory opinion that the vagueness of the wording of the licensing act passed two or three years ago does not give landscape architects the right to design storm drainage. Landscape architects have been doing this for many years, and both the Attorney General and Eddie Speas, Senior Deputy with the Attorney General's office, admitted that their staff issued this opinion without involving both sides of the issue–they only reviewed the civil engineers' letter. The language in Section 14 gives landscape architects the right to do what they have done for many years and asks the two groups to meet between now and next April to discuss the issue and report back to the General Assembly as to how they can to settle this dispute. Representative McMahan requested the committee to recommend that the House concur with the proposed committee substitute. Using the attached bill analysis, Walter Reagan, staff attorney, briefly explained each section of the bill. He and Linwood Jones, Counsel for the North Carolina Hospital Association, answered questions of the members. Leslie Winner, representing the University of North Carolina, Ellis Hankins, the League of Municipalities, Ron Aycock, County Commissioners Association, and Larry Ragland, a landscape architect, spoke in favor of the committee substitute. Henry Jones, Jr., representing electrical and mechanical plumbing contractors, stated his objections to the committee substitute, and Gordon Rose, representing the Civil Engineers Council, also spoke in opposition to the committee substitute.

No action was taken on the committee substitute, and the meeting adjourned at 2:15 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 623

Senate Judiciary I Committee Substitute Adopted 9/4/01

Short Title: Public Construction Law Changes. (Public)

Sponsors:

Referred to:

March 15, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE.

The General Assembly of North Carolina enacts:

PART I. CONSTRUCTION CHANGES

SECTION 1. G.S. 143-64.31 reads as rewritten:

"**§ 143-64.31. Declaration of public policy.**

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, ~~and~~ surveying and construction management services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for ~~architectural, engineering, or surveying~~ those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm."

SECTION 2. Article 3D of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143-64.31A. Construction management services.**

(a) For purposes of this Article:

(1) "Construction management services" means services provided by a construction manager, which may include, but are not limited to,

preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

(2) "Construction manager" means a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases and (ii) who is licensed as a general contractor if those services are provided at risk.

(b) Design services for a project must be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer.

(c) The construction manager shall (i) contract directly with the public entity for all construction and (ii) guarantee the cost of the project. The construction manager shall publicly advertise, as prescribed for the appropriate public entity in G.S. 143-129, prequalify subcontractors and receive bids from the prequalified subcontractors for the performance of all major elements of the construction work. A construction manager may perform a portion of the work itself only if (i) bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner and (ii) the public entity approves of the construction manager's performance of the work. All bids shall be opened publicly. The construction manager shall act as the fiduciary of the public entity in opening and awarding bids. The construction manager shall award the contract to the lowest responsible bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity shall open and review all bids with the construction manager. The public entity may require the selection of a different subcontractor for any portion of the work, based on the lowest responsible bid as determined herein, provided that the construction manager is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall make available to subcontractors the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(12) or another dispute resolution process adopted by the public body, including mediation, to resolve project disputes.

A construction manager must make a good faith effort to recruit and select minority businesses, as defined in G.S. 143-128(f), for participation in the total value of contracts awarded under this section as follows:

(1) For State projects, the minority participation goal is twelve and one-half percent (12.5%).

(2) For projects of other public owners, the minority participation goal shall be the verifiable percentage goal adopted by the public owner in accordance with G.S. 143-128(f).

The public entity shall adopt written guidelines specifying the actions that a construction manager must take to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded by the construction manager. The construction manager shall file an affidavit with the public owner at the completion of the subcontractor's bidding attesting that the construction manager has made the good faith effort required under this section.

(d) Notwithstanding G.S. 143-64.32 or G.S.143-64.34, a public entity may not waive the requirements of subsection (c) of this section."

SECTION 3. G.S. 143-128 reads as rewritten:

"**§ 143-128. Requirements for certain building contracts.**

(a) Preparation of specifications. – Every officer, board, department, commission or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration or repair of any buildings for the State, or for any county, municipality, or other public body, must have prepared separate specifications for each of the following subdivisions or branches of work to be performed:

(1) Heating, ventilating, air conditioning and accessories (separately or combined into one conductive system) and/or refrigeration for cold storage (where the cold storage cooling load is 15 tons or more of refrigeration), and all work kindred thereto.

(2) Plumbing and gas fittings and accessories, and all work kindred thereto.

(3) Electrical wiring and installations, and all work kindred thereto.

(4) General work relating to the erection, construction, alteration, or repair of any building above referred to, which work is not included in the above-listed three subdivisions or branches.

All such specifications must be so drawn as to permit separate and independent bidding upon each of the subdivisions or branches of work enumerated ~~above.~~ in this subsection for contracts that will be bid under the separate-prime system or dual bidding system. The above enumeration of subdivisions or branches of work shall not be construed to prevent any officer, board, department, commission or commissions from preparing additional separate specifications for any other category of work.

(a1) Construction methods. – The State, a county, municipality, or other public body shall award contracts for the erection, construction, alteration, or repair of buildings pursuant to any of the following methods:

(1) Separate-prime bidding.

(2) Single-prime bidding.

(3) Dual bidding pursuant to subsection (d1) of this section.

(4) Construction management services contracts pursuant to G.S. 143-64.31A.

(5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).

(b) Building projects ~~over five hundred thousand dollars ($500,000); separate prime contracts.~~ under the separate-prime contract system. – ~~Except as provided in subsection (d) of this section, when the entire cost of the erection, construction, alteration, or repair of a building exceeds five hundred thousand dollars ($500,000),~~ When the State, county, municipality, or other public body uses the separate-prime contract system, it shall accept bids for each subdivision or branch of work for which specifications are required to be prepared under subsection (a) of this section and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. When the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required by this subsection is less than twenty-five thousand dollars ($25,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost.

Bids may also be accepted from and awards made to separate contractors for other categories of work.

Each separate contractor shall be directly liable to the State of North Carolina, or to the ~~county or municipality,~~ county, municipality, or other public body and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this section, "separate contractor" means any person, firm or corporation who shall enter into a contract with the State, or with any county, municipality, or other public body, for the erection, construction, alteration or repair of any building or buildings, or parts thereof.

~~(c) Building projects five hundred thousand dollars ($500,000) or less. – When the entire cost of the erection, construction, alteration, or repair of a building is five hundred thousand dollars ($500,000) or less, the State, county, municipality, or other public body may accept bids under the single-prime contract system, the separate prime contract system, or both. The provisions of subsection (b) of this section apply to the use of the separate prime contract system under this subsection. The provisions of subsection (d) of this section apply to the use of the single-prime contract system under this section, except that bidding in the alternative between the single-prime and separate prime systems is not required. Contracts bid in the alternative between the single-prime and separate prime systems under this subsection must be awarded to the lowest responsible bidder or bidders, as provided in subsection (d) of this section.~~

(d) Single-prime ~~and alternative~~ contracts. – ~~The State, a county, municipality, or other public body may accept bids under the single-prime contract system or a contracting method approved by the State Building Commission under G.S. 143-135.26.~~

~~If the State, county, municipality, or other public body accepts bids under the single-prime contract system, it must also seek bids for the project under the separate prime contract system, except as otherwise authorized under G.S. 143-135.26, and award the contract to the lowest responsible bidder or bidders for the total project, taking into~~

~~consideration quality, performance and the time specified in the bids for the performance of the contract.~~

When bids are accepted under the single-prime contract system all bidders must identify on their bid the contractors they have selected for the subdivisions or branches of work for:

(1) Heating, ventilating, and air conditioning;
(2) Plumbing;
(3) Electrical; and
(4) General.

No contractor whose bid is accepted shall substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be nonresponsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The terms, conditions, and requirements of each contract between the contractor and a subcontractor performing work under a subdivision or branch of work listed in this subsection shall ~~be substantially the same as~~incorporate by reference the terms, conditions, and requirements of the contract between the contractor and the State, county, municipality, or other public body.

The requirements of this subsection governing the identification of bidders, substitution of contractors, and the terms and conditions of subcontractor's contracts apply to all single-prime bidding and single-prime contracts, ~~regardless of whether bidding in the alternative between the single-prime and separate prime systems has been waived by the State Building Commission.~~including those bids in the alternative pursuant to subsection (d1) of this section. When contracts are awarded pursuant to this section, the public body shall make available to subcontractors the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(12) or another dispute resolution process adopted by the public body, including mediation, to resolve project disputes.

(d1) ~~Local school administrative units; building projects over five hundred thousand dollars ($500,000).~~ Dual bidding. ~~When the entire cost of the building project is more than five hundred thousand dollars ($500,000), a local school administrative unit shall seek bids as provided in subsection (b) or (d) of this section or this subsection. The local school administrative unit~~ The State, a county, municipality, or other public entity may accept bids for the erection, construction, alteration, or repair of a building under both the single-prime and separate-prime contracting systems and shall award the contract to the lowest responsible bidder under the single-prime system or to the lowest responsible bidder under the separate-prime system, taking into consideration quality, performance, and time specified in the bids for performance of the contract. In determining the system under which the contract will be awarded to the lowest responsible bidder, the ~~local school administrative unit~~ public entity may consider cost of construction oversight, time for completion, and other factors it deems

appropriate. The ~~local school administrative unit~~ public entity shall not open any bid solicited under subsection (d) of this section unless the unit receives at least three competitive bids from reputable and qualified contractors regularly engaged in their respective lines of ~~endeavor and unless the unit receives a bid from at least one general contractor under the separate prime system.~~ endeavor. The bids received as separate-prime bids shall be submitted ~~three hours~~ one hour prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by that subcontractor to the ~~local school administrative unit~~ public entity under the separate-prime system. Each single-prime bid that identifies the contractors selected to perform the three major subdivisions or branches of work described in subsection (d) of this section and that lists the contractors' respective bid prices for those branches of work shall constitute a single competitive bid, and each full set of separate-prime bids for all of the branches of work described in subsection (d) of this section shall constitute a single competitive bid. If after advertisement as required by G.S. 143-129, the ~~local school administrative unit~~ public entity has not received the minimum number of competitive bids as required by this subsection, the ~~unit~~ public entity shall again advertise for bids. If the required minimum number of bids is not received as a result of the second advertisement, the ~~unit~~ public entity may let the contract to the lowest responsible bidder that submitted a bid for the project, even though the ~~unit~~ public entity received only one bid. A contractor must provide an affidavit to the ~~local school administrative unit~~public entity that it has made the good faith effort required pursuant to ~~G.S. 143-128(f),~~ subsection (f) of this section and failure to file the affidavit that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid. All provisions of ~~Article 8 of Chapter 143 of the General Statutes~~this Article that are not inconsistent with this subsection or other applicable provisions of the law shall apply to ~~local school administrative units.~~public entities subject to this section. The provisions of subsection (b) of this section apply to separate-prime contracts awarded pursuant to this section.

(e) Project expediter; scheduling; public body to resolve project disputes. – The State, county, municipality, or other public body may, if specified in the bid documents, provide for assignment of responsibility for expediting the work on ~~the~~ a project under the separate-prime system to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for the preparation of the project schedule and shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the public body may provide in the contract documents for resolution of project disputes through alternative

dispute resolution processes such as ~~mediation or arbitration.~~mediation, arbitration, or the dispute resolution process adopted by the State Building Commission.

(f) Minority goals. – The State shall have a verifiable ~~ten percent (10%)~~twelve and one-half percent (12.5%) goal for participation by minority businesses in the total value of work for each building project. Each city, county, or other public body shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for each building project.

As used in this subsection:

(1) The term "minority-business" means a business:
   a. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons; and
   b. Of which the management and daily business operations are controlled by one or more of the minority persons who own it.

(2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:
   a. Black, that is, a person having origins in any of the black racial groups in Africa;
   b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
   c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
   d. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or
   e. Female.

(3) The term "verifiable goal" means:
   a. For purposes of the separate prime contract system, that the awarding authority has adopted written guidelines specifying the actions that will be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section.
   b. For purposes of the single-prime contract system, that the awarding authority has adopted written guidelines specifying the actions that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section; the required actions must be documented in writing by the contractor to the appropriate awarding authority.

c. For purposes of an alternative contracting system authorized by the State Building Commission under G.S. 143-135.26(9), that the awarding authority has adopted written guidelines specifying the action to be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section.

The State, counties, municipalities, and all other public bodies shall award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible bid or bids.

A contractor must provide an affidavit to the awarding authority that it has made the good faith effort required pursuant to this subsection. Failure to file the affidavit that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid or proposal.

(g) Exceptions. – This section shall not apply to:

(1) The purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site.

(2) The erection, construction, alteration, or repair of a building when the cost thereof is ~~one hundred thousand dollars ($100,000) or less.~~three hundred thousand dollars ($300,000) or less, provided that subsection (f) of this section shall apply to the erection, construction, alteration, or repair of a building when the cost thereof is one hundred thousand dollars ($100,000) or more."

SECTION 4. G.S. 143-129(a), as amended by S.L. 2001-328, reads as rewritten:

"(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than ~~one hundred thousand dollars ($100,000)~~ three hundred thousand dollars ($300,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ~~fifty thousand dollars ($50,000)~~ninety thousand dollars ($90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager or the chief purchasing official, or both, the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is

delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body."

SECTION 5. G.S. 143-129(e), as amended by S.L. 2001-328, is amended by adding a new subdivision to read:

"(11) Contracts executed pursuant to Article 3D of Chapter 143 of the General Statutes."

SECTION 6. G.S. 133-1.1(a) reads as rewritten:

"(a) In the interest of public health, safety and economy, every officer, board, department, or commission charged with the duty of approving plans and specifications or awarding or entering into contracts involving the expenditure of public funds in excess of:

(1) ~~One~~ Three hundred thousand dollars ~~($100,000)~~($300,000) for the repair of public buildings where such repair does not include major structural change in framing or foundation support systems,

(2) ~~Forty-five thousand dollars ($45,000)~~One hundred thirty-five thousand dollars ($135,000) for the repair of public buildings where such repair includes major structural change in framing or foundation support systems, or

(3) ~~Forty-five thousand dollars ($45,000)~~One hundred thirty-five thousand dollars ($135,000) for the construction of, or additions to, public buildings or State-owned and operated utilities,

shall require that such plans and specifications be prepared by a registered architect, in accordance with the provisions of Chapter 83A of the General Statutes, or by a registered engineer, in accordance with the provisions of Chapter 89C of the General Statutes, or by both architect and engineer, particularly qualified by training and experience for the type of work involved, and that the North Carolina seal of such architect or engineer together with the name and address of such architect or engineer, or both, be placed on all such plans and specifications."

SECTION 7. G.S. 44A-26(a) reads as rewritten:

"(a) When the total amount of construction contracts awarded for any one project exceeds ~~one~~ three hundred thousand dollars ~~($100,000)~~($300,000), a performance and payment bond as set forth in (1) and (2) is required by the contracting body from any contractor with a contract more than ~~fifteen thousand dollars ($15,000).~~fifty thousand dollars ($50,000). In the discretion of the contracting body, a performance and payment bond may be required on any construction contract as follows:

(1) A performance bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond shall be solely for the protection of the contracting body ~~which awarded the contract.~~that is constructing the project.

(2) A payment bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the prompt payment for all labor or materials for which a contractor or subcontractor is liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which a ~~contractor or subcontractor~~contractor, subcontractor, or construction manager is liable."

SECTION 8.(a) G.S. 116-31.11, as enacted and expired by S.L. 1997-412, is reenacted and reads as rewritten:

"**§ 116-31.11. Powers of Board regarding certain fee negotiations, contracts, and capital improvements.**

(a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Board shall, with respect to the design, construction, or renovation of buildings, utilities, and other property developments of The University of North Carolina requiring the estimated expenditure of public money of ~~five hundred thousand dollars ($500,000)~~two million dollars ($2,000,000) or less:

(1) Conduct the fee negotiations for all design contracts and supervise the letting of all construction and design contracts.

(2) Develop procedures governing the responsibilities of The University of North Carolina and its affiliated and constituent institutions to perform the duties of the Department of Administration and the Director or Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

(3) Develop procedures and reasonable limitations governing the use of open-end design agreements, subject to G.S. 143-64.34 and the approval of the State Building Commission.

(b) The Board may delegate its authority under subsection (a) of this section to a constituent or affiliated institution if the institution is qualified under guidelines adopted by the Board and approved by the State Building Commission and the Director of the Budget.

(c) The University shall use the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.

(d) A contract may not be divided for the purpose of evading the monetary limit under this section."

SECTION 8.(b) Section 5.1 of S.L. 1997-412 is repealed.

SECTION 8.(c) Sections 5, 7, 8, and 10 of S.L. 1997-412 are reenacted.

SECTION 8.(d) G.S. 143-341(3) reads as rewritten:

"(3) Architecture and Engineering:

a. To examine and approve all plans and specifications for the construction or renovation of:

1. All State buildings; and

2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.

b. To assist, as necessary, all agencies in the preparation of requests for appropriations for the construction or renovation of all State buildings.

b1. To certify that a statement of needs pursuant to G.S. 143-6 is feasible. For purposes of this sub-subdivision, "feasible" means that the proposed project is sufficiently defined in overall scope; building program; site development; detailed design, construction, and equipment budgets; and comprehensive project scheduling so as to reasonably ensure that it may be completed with the amount of funds requested. At the discretion of the General Assembly, advanced planning funds may be appropriated in support of this certification. This sub-subdivision shall not apply to requests for appropriations of less than one hundred thousand dollars ($100,000).

c. To supervise the letting of all contracts for the design, construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision.

d. To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision; and no such work may be accepted by the State or by any State agency until it has been approved by the Department.

Except for sub-subdivisions b. and b1. of this subdivision, this subdivision does not apply to the design, construction, or renovation of projects by The University of North Carolina pursuant to G.S. 116-31.11."

SECTION 8.(e) G.S. 133-1.1(d) reads as rewritten:

"(d) On projects on which no registered architect or engineer is required pursuant to the provisions of this section, the governing board or awarding authority shall require a certificate of compliance with the State Building Code from the city or county inspector for the specific trade or trades involved or from a registered architect or engineer, except that the provisions of this subsection shall not apply on projects where any of the following apply:

(1) ~~wherein~~ Where plans and specifications are approved by the Department of Administration, Division of State Construction, and the completed project is inspected by the Division of State Construction and the State Electrical ~~Inspector, or on projects~~ Inspector.

(2) That are exempt from the State Building Code.

(3) That are subject to G.S. 116-31.11 and the completed project is inspected by the State Electrical Inspector and by The University of North Carolina or its constituent or affiliated institution.

(4) That are subject to G.S. 116-37(j) and the completed project is inspected by the State Electrical Inspector and by the University of North Carolina Health Care System.

(5) That are subject to G.S. 116-37(a)(4) and the completed project is inspected by the State Electrical Inspector and by the University of North Carolina Hospitals at Chapel Hill.

(6) That are subject to G.S. 116-37(a)(4) and the completed project is inspected by the State Electrical Inspector and the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina.

(7) That are subject to G.S. 116-40.6(e) and the completed project is inspected by the State Electrical Inspector and by East Carolina University on behalf of the Medical Faculty Practice Plan."

SECTION 9. G.S. 143-132(b) reads as rewritten:

"(b) For purposes of contracts bid in the alternative between the separate-prime and single-prime contracts, pursuant to ~~G.S. 143-128(c) or (d),~~G.S. 143-128(d1) each single-prime bid shall constitute a competitive bid in each of the four subdivisions or branches of work listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a competitive single-prime bid in meeting the requirements of subsection (a) of this section. If there are at least three single-prime bids but there is not at least one full set of separate-prime bids, no separate-prime bids shall be opened."

SECTION 10.(a) Section 2 of S.L. 1999-102 is repealed.

SECTION 10.(b) Section 3 of S.L. 1999-102 reads as rewritten:

"Section 3. This act is effective when it becomes ~~law and shall expire on June 30, 2003.~~law."

SECTION 10.(c) Section 8 of S.L. 1999-207 reads as rewritten:

"Section 8. This act is effective when it becomes ~~law and expires July 1, 2002.~~law."

SECTION 10.(d) Notwithstanding Article 8 of Chapter 143 of the General Statutes, New Hanover Regional Medical Center may use force account qualified personnel on its payroll to maintain, repair, renovate, and improve hospital and medical facilities that it owns or manages under the following conditions:

(1) The work is primarily for purposes of ensuring compliance with the Life Safety Code and other applicable codes, including requirements of the Joint Commission on the Accreditation of Healthcare

Organizations, or involves work to the same or related components or areas of the building at the time of the compliance work.

(2) The force account labor is qualified to perform and is capable of performing the work in an active patient environment.

This Section 10(d) expires December 31, 2007.

PART II. CONSTRUCTION AND DESIGN ADMINISTRATION

SECTION 11. G.S. 143-135.26 reads as rewritten:

"§ 143-135.26. Powers and duties of the Commission.

The State Building Commission shall have the following powers and duties with regard to the State's capital facilities development and management program:

(1) To adopt rules establishing standard procedures and criteria to assure that the designer selected for each State capital improvement project and the consultant selected for planning and studies of an architectural and engineering nature associated with a capital improvement project or a future capital improvement project has the qualifications and experience necessary for that capital improvement project or the proposed planning or study project. The rules shall provide that the State Building Commission, after consulting with the funded agency, is responsible and accountable for the final selection of the designer and the final selection of the consultant except when the General Assembly or The University of North Carolina is the funded agency. When the General Assembly is the funded agency, the Legislative Services Commission is responsible and accountable for the final selection of the designer and the final selection of the consultant, and when the University is the funded agency, it shall be subject to the rules adopted hereunder, except it is responsible and accountable for the final selection of the designer and the final selection of the consultant. All designers and consultants shall be selected within 60 days of the date funds are appropriated for a project by the General Assembly or the date of project authorization by the Director of the Budget; provided, however, the State Building Commission may grant an exception to this requirement upon written request of the funded agency if (i) no site was selected for the project before the funds were appropriated or (ii) funds were appropriated for advance planning only; provided, further, the Director of the Budget, after consultation with the State Construction Office, may waive the 60-day requirement for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects. The Director of the Budget also may, after consultation with the State Construction Office, schedule the availability of design and construction funds for

capital improvement projects for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects.

The State Building Commission shall submit a written report to the Joint Legislative Commission on Governmental Operations on the Commission's selection of a designer for a project within 30 days of selecting the designer.

(2) To adopt rules for coordinating the plan review, approval, and permit process for State capital improvement ~~projects.~~ and community college buildings, as defined in subdivision (4) of this section. The rules shall provide for a specific time frame for plan review and approval and permit issuance by each agency, consistent with applicable laws, and submission of plans to the State Construction Office. The time frames shall be established to provide for expeditious review, approval, and permitting of State capital improvement projects and community college buildings.

(2a) To adopt rules exempting specified types of State capital improvement projects, including community college buildings as defined in subdivision (4) of this section, from plan review, provided that the plan has been reviewed and sealed by a licensed architect, engineer, or both, as appropriate.

(3) To adopt rules for establishing a post-occupancy evaluation, annual inspection and preventive maintenance program for all State buildings.

(4) To develop procedures for evaluating the work performed by designers and contractors on State capital improvement projects and those community college buildings, as defined in G.S. 143-336, requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129, and for use of the evaluations as a factor affecting designer selections and determining qualification of contractors to bid on State capital improvement projects and community college buildings.

(5) To continuously study and recommend ways to improve the effectiveness and efficiency of the State's capital facilities development and management program.

(6) To request designers selected prior to April 14, 1987, whose plans for the projects have not been approved to report to the Commission on their progress on the projects. The Department of Administration shall provide the Commission with a list of all such projects.

(7) To appoint an advisory board, if the Commission deems it necessary, to assist the Commission in its work. No one other than the

Commission may appoint an advisory board to assist or advise it in its ~~work; and~~work.

(8) To review the State's provisions for ensuring the safety and health of employees involved with State capital improvement projects, and to recommend to the appropriate agencies and to the General Assembly, after consultation with the Commissioner of Labor, changes in the terms and conditions of construction contracts, State regulations, or State laws that will enhance employee safety and health on these projects.

(9) ~~Effective July 1, 1996, to~~To authorize a State agency, a local governmental unit, or any other entity subject to the provisions of G.S. 143-129 to use a method of contracting not authorized under ~~G.S. 143-128, including the use of the single-prime contracting system without soliciting bids under both the single and separate prime contract systems.~~G.S. 143-128. An authorization under this subdivision for an alternative contracting method shall be granted only under the following conditions:

a. An authorization shall apply only to a single project.

b. The entity seeking authorization must demonstrate to the Commission that the alternative contracting method is necessary because the project cannot be reasonably completed under the methods authorized under G.S. 143-128 or for such other reasons as the Commission, pursuant to its rules and criteria, deems appropriate and in the public's interest.

c. The authorization must be approved by ~~two-thirds~~a majority of the members of the Commission present and voting.

The Commission shall not waive the requirements of G.S. 143-129 or G.S. 143-132 for public contracts unless otherwise authorized by law.

(10) To adopt rules, no later than January 1, 2002, governing review and final approval of plans that are submitted to the State Construction Office pursuant to G.S. 58-31-40. The rules shall provide for the manner of submission of the plan by the owner, the type of structural work that may be completed by the owner pursuant to G.S. 58-31-40(c), and the expeditious review or completion of review of the plan in a manner that ensures that the building will meet the fire safety requirements of G.S. 58-31-40(b).

(11) To direct the Department in the development of guidelines for agency evaluation of energy savings contracts pursuant to G.S. 143-64.17F.

(12) To develop dispute resolution procedures, including mediation, for subcontractors under the single-prime contracting system and under the construction management system on State capital improvement projects and community college buildings as defined in subdivision (4)

of this section, for use by any agency that has not developed its own dispute resolution process.

(13) To adopt rules governing the use of open-end design agreements for State capital improvement projects and community college buildings as defined in subdivision (4) of this section, where the fee does not exceed the amount specified in G.S. 143-64.34(b).

(14) ~~The Commission shall~~ To submit an annual report of its activities to the Governor and the Joint Legislative Commission on Governmental Operations."

SECTION 11.1. G.S. 58-31-40 is amended by adding the following new subsection to read:

"(c) The Commissioner shall review a plan subject to subsection (b) of this section within 30 days of submission, provided that the Commissioner may require one additional 30-day extension if necessary to complete the review. If the Commissioner has neither approved nor denied the plan during the initial 30-day review period, the owner may proceed with the building site preparation, the building foundation, and any structural components of the building that are not subject to inspection for the purposes set forth in subsection (b) of this section. If the Commissioner has neither approved nor denied the plan within 60 days of submission, the owner may request review and final approval under subsection (b) of this section by the Department of Administration, State Construction Office, pursuant to rules adopted under G.S. 143-135.26."

PART III. ENERGY EFFICIENCY IN STATE BUILDINGS

SECTION 12.(a) The title of Part 2 of Article 3B of Chapter 143 of the General Statutes reads as rewritten:

"Part 2. Guaranteed Energy Savings Contracts for ~~Local~~ Governmental Units."

SECTION 12.(b) G.S. 143-64.17 reads as rewritten:

"**§ 143-64.17. Definitions.**

As used in this Part:

(1) "Energy conservation measure" means a facility alteration, training, or services related to the operation of the facility, when the alteration, training, or services provide anticipated energy savings. Energy conservation measure includes any of the following:

a. Insulation of the building structure and systems within the building.

b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.

c. Automatic energy control systems.

d. Heating, ventilating, or air-conditioning system modifications or replacements.
e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are made.
f. Energy recovery systems.
g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.
h. Other energy conservation measures.

(2) "Energy savings" means a measured reduction in fuel costs, energy costs, or operating costs created from the implementation of one or more energy conservation measures when compared with an established baseline of previous fuel costs, energy costs, or operating costs developed by the local governmental unit.

(3) "Guaranteed energy savings contract" means a contract for the evaluation, recommendation, or implementation of energy conservation measures, including the design and installation of equipment or the repair or replacement of existing equipment, in which all payments, except obligations on termination of the contract before its expiration, are to be made over time, and in which energy savings are guaranteed to exceed costs.

(4) ~~"Local governmental~~ "Governmental unit" means an agency, board, or commission of the State or any board or governing body of a political subdivision of the State, including any board of a community college, any school board, or an agency, commission, or authority of a political subdivision of the State.

(5) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures.

(6) "Request for proposals" means a negotiated procurement initiated by a local governmental unit by way of a published notice that includes the following:
a. The name and address of the local governmental unit.
b. The name, address, title, and telephone number of a contact person in the local governmental unit.
c. Notice indicating that the local governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.

d. The date, time, and place where proposals must be received.
e. The evaluation criteria for assessing the proposals.
f. A statement reserving the right of the ~~local~~ governmental unit to reject any or all the proposals.
g. Any other stipulations and clarifications the ~~local~~ governmental unit may require."

SECTION 12.(c) G.S. 143-64.17A reads as rewritten:

"**§ 143-64.17A. Solicitation of guaranteed energy savings contracts.**

(a) Before entering into a guaranteed energy savings contract, a local governmental unit shall issue a request for proposals. Notice of the request shall be published at least 15 days in advance of the time specified for opening of the proposals in at least one newspaper of general circulation in the geographic area for which the local governmental unit is responsible. No guaranteed energy savings contract shall be awarded by any ~~governing body~~ governmental unit unless at least two proposals have been received from qualified providers. Provided that if after the publication of the notice of the request for proposals, fewer than two proposals have been received from qualified providers, the ~~governing body of the local~~ governmental unit shall again publish notice of the request and if as a result of the second notice, one or more proposals by qualified providers are received, the ~~governing body~~governmental unit may then open the proposals and select a qualified provider even if only one proposal is received.

(b) The ~~local~~ governmental unit shall evaluate a sealed proposal from any qualified provider. Proposals shall contain estimates of all costs of installation, modification, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of energy savings.

(c) Proposals received pursuant to this section shall be opened by a member or an employee of the ~~governing body of the local~~ governmental unit at a public opening at which the contents of the proposals shall be announced and recorded in the minutes of the ~~governing body.~~governmental unit. Proposals shall be evaluated for the ~~local~~ governmental unit by a licensed architect or engineer on the basis of:

(1) The information required in subsection (b) of this section; and
(2) The criteria stated in the request for proposals.

The ~~local~~ governmental unit may require a qualified provider to include in calculating the cost of a proposal for a guaranteed energy savings contract any reasonable fee payable by the ~~local~~ governmental unit for evaluation of the proposal by a licensed architect or professional engineer not employed as a member of the staff of the ~~local~~ governmental unit or the qualified provider.

(d) The ~~local~~ governmental unit shall select the qualified provider that it determines to best meet the needs of the ~~local~~ governmental unit by evaluating the following:

(1) Prices offered;
(2) Proposed costs of construction, financing, maintenance, and training;

(3) Quality of the products proposed;
(4) Amount of energy savings;
(5) General reputation and performance capabilities of the qualified providers;
(6) Substantial conformity with the specifications and other conditions set forth in the request for proposals;
(7) Time specified in the proposals for the performance of the contract; and
(8) Any other factors the ~~local~~ governmental unit deems necessary, which factors shall be made a matter of record.

(e) Nothing in this section shall limit the authority of local governmental units as set forth in Article 3D of this Chapter."

SECTION 12.(d) G.S. 143-64.17B reads as rewritten:

"**§ 143-64.17B. Guaranteed energy savings contracts.**

(a) A ~~local~~ governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

(1) The term of the contract does not exceed 12 years from the date of the installation and acceptance by the ~~local~~ governmental unit of the energy conservation measures provided for under the contract.
(2) The ~~local~~ governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.
(3) The energy conservation measures to be installed under the contract are for an existing building.

(b) Before entering into a guaranteed energy savings contract, the ~~local~~ governmental unit shall provide published notice of the meeting at which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide a bond to the ~~local~~ governmental unit in the amount equal to one hundred percent (100%) of the total cost of the guaranteed energy savings contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the ~~local~~ governmental unit have not been made, the ~~local~~ governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

(d) As used in this section, "total cost" shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract. "Total cost" does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the ~~local~~ governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the ~~local~~ unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings contract."

SECTION 12.(e) G.S. 143-64.17D reads as rewritten:

"**§ 143-64.17D. Contract continuance.**

A guaranteed energy savings contract may extend beyond the fiscal year in which it becomes effective. Such a contract shall stipulate that it does not constitute a debt, liability, or obligation of any local governmental unit or a pledge of the faith and credit of any ~~unit of local government.~~governmental unit."

SECTION 12.(f) Part 2 of Article 3B of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143-64.17F. State agencies to use contracts when feasible.**

State governmental units, including State universities, shall evaluate the use of guaranteed energy savings contracts in reducing energy costs and may use those contracts when feasible and practical. The Department of Administration shall develop guidelines for agency evaluation of guaranteed energy savings contracts."

SECTION 12.(g) The Department of Administration shall develop a plan for establishing and implementing an energy efficiency goal for all State buildings. The Department shall report the plan to the General Assembly no later than May 1, 2002, by filing copies with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, the legislative Fiscal Research Division, and the Legislative Library.

SECTION 13. Nothing in this act limits the use of any method of contracting authorized by local law or other applicable laws.

PART IV. LANDSCAPE ARCHITECTURE LAW CHANGES

SECTION 14.(a) G.S. 89A-1(3) reads as rewritten:

"(3) Landscape architecture or the practice of landscape architecture. – The preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing such matters as the location and placement of buildings and structures, the location, routing, and design of streets or other public or private ways and associated drainage systems, soil conservation and erosion control, stormwater management and surface or subsurface drainage, site grading, and planting plans, all ~~drainage, soil conservation, grading and planting plans and erosion control,~~ in accordance with the accepted professional standards of public health, safety and welfare."

SECTION 14.(b) The State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects are directed to meet and confer to identify areas of overlap or common practice with respect to the scope of their respective professions and to consider means for resolving disputes concerning standards of practice, qualifications, and jurisdiction regarding such areas of overlap. They shall present a joint written report to the General Assembly not later than April 30, 2002, concerning their findings and recommendations, and the General Assembly may consider and take action on such report during its session in 2002 or at such other time as it may deem appropriate.

PART V. EFFECTIVE DATE

SECTION 15. Sections 8(a) through 8(e) of this act become effective July 1, 2001. Section 11.1 of this act becomes effective January 1, 2002. The remainder of this act is effective when it becomes law.

HOUSE BILL 623:
Public Construction Law Changes.

BILL ANALYSIS

Committee:	Rules and Operations of the House	**Introduced by:**	Rep. McMahan
		Summary by:	O. Walker Reagan, Staff Attorney
Date:	September 12, 2001		
Version:	Second Edition		

SUMMARY: ***The Senate Committee Substitute for House Bill 623 makes changes in the public construction laws to permit greater flexibility and efficiencies in public building design, construction and plan review, primarily through the concept of construction managers at risk. The bill also changes the law to promote greater energy efficiency in State buildings and makes clarifying changes to the scope of practice for landscape architecture.***

BILL ANALYSIS: Part I of the bill makes changes to the public construction laws to permit the use of "construction management services". Section 2 defines construction management services and a construction manager as a licensed general contractor that provides services to a public body for the preparation and coordination of bid packages, scheduling of public projects, controlling costs, and construction administration. Under this section the construction manager acts with the public body to approve the bids and to supervise the construction. The construction manager shall also guarantee the cost of the project to the public body. The construction manager is generally not permitted to perform any of the work on the project, but may be allowed to do so under certain defined circumstances, with the approval of the public body. The construction manager must allow all subcontractors to avail themselves of dispute resolution processes adopted by the State Building Commission. The construction manager must see that all minority contractor participation goals are adhered to.

Section 3 makes various construction bidding methods available to all levels of government, not just local school administrative units, including the State, counties, cities and other public bodies. These construction bidding methods include separate-prime, single-prime, dual bidding, construction management services, and alternative contracting methods. This section also raises the minority participation goal from 10% to 12.5%. This section also raises the size of the contracts covered by these requirements from $100,000 to $300,000, except for the minority contractor goal which remains for contracts $100,000 or more.

Section 6 raises the level of contracts for which architectural plans are required for public projects by varying amounts depending on the type of work being done.

Section 7 raises the threshold for which performance and payment bonds are required on government projects from $100,000 to $300,000. This change is consistent with the changes being made in the competitive bidding laws in Sections 3 and 4 of the bill.

Section 8 restores The University of North Carolina's exemption from State Construction Office oversight and raises the cap for the exemption from $500,000 to $2 million, and continues other construction law exceptions applicable to UNC construction that had expired July 1, 2001.

All of Section 10 involves local provisions involving construction law exceptions. Sections 10.(a) and (b) remove the sunset on Johnston County School Board to use the Unitary System Approach model school plan. Section 10.(c) repeals the sunset on the Charlotte-Mecklenburg School Board authority to

use design-built construction for school projects. Section 10.(d) authorizes use of force account by th New Hanover Regional Medical Center.

Part II of the bill makes changes in the law involving the State Building Commission. Section 11 gives the Commission authority to adopt additional rules for State construction plan review and to allow exemption from plan reviews under certain circumstances. This section also allows the Commission by majority vote (was 2/3rds vote) to approve alternative contracting methods by State and local agencies. Section 11.1 provides an alternative to begin construction if fire safety reviews of public building specifications are not completed by the Insurance Department within 60 days.

Part III of the bill changes the Guaranteed Energy Savings Contract law to make it applicable to State agencies in addition to local governments as is currently allowed.

Part IV of the bill amends the Landscape Architect statute to clarify what construction design matters maybe signed off on by landscape architects. This change is to clarify a conflicting overlap of responsibilities with licensed engineers. Section 14 makes it clear that landscape architecture includes location and placement of buildings on the land, location of streets, drainage systems, erosion control, stormwater management, site grading and planting plans.

EFFECTIVE DATE: Section 8 involving the renewal of authority previously given to UNC construction projects is made effective July 1, 2001 when the original authority expired. Section 11.1, which permits an alternative to begin construction before fire safety reviews are completed, goes into effective January 1, 2002. The remainder of the bill is effective when the bill becomes law.

VISITOR REGISTRATION SHEET

Rules
Name of Committee

9-12-01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
BRUCE THOMPSON	PARKER, POE, ADAMS + BERNSTEIN
GORDON ROSE	CEC/NC
Roz Sawyer	NCLM
John Kuster	NCFPC
Henry Jones	Attorney Raleigh
Gene Pressley	CECA
Bill Jenkins	EarthTech
Pam Townsend	EarthTech
J.D. Solum	Aban Group
TOM SLATER	HNTB CORPORATION - ASCE
MATT EINSMANN	S:ME, INC.
David Crawford	AIA North Carolina
Brian Francis	Meck County
Cam Cole	
J Rumsey	NCDOT
Matt Lail	CCNC
Kim Hibbard	NCLM
Stephanie Mansur	NCAR
Mason Mumbelhite	Bryan + Spruill
Beau Mills	NCLM
Alice Indiana	EC
EDDIE TREADWAY	STATE BUILDING COMMISSION
Tim Willard	
Patrice Rader	NCACC
ELLIS HANKINS	NCLM
R. Paul Wilson	NCHBA
Eddie Caldwell	EEBC
Katherine Joyce	Electric Cooperatives

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
SEPTEMBER 19, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HJR 1466 – A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY

SB 551 – WELDON ANNEXATION AGREEMENT

SB 649 – MV DEALER DISCLOSURE OF CERTAIN FEES

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

September 19, 2001

The Committee on Rules, Calendar and Operations of the House met on September 19, 2001 in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allred, Barefoot, Barnhart, Crawford, Culp, Gulley, Hill, Jarrell, McComas, McCombs, McMahan, Morgan, Rogers, Setzer, Sherrill and Yongue.

The following bills were considered:

HOUSE JOINT RESOLUTION 1466-A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY. Representative Miller, sponsor, was recognized to explain the resolution. He stated that the resolution honors the civilians, military and public safety personnel who lost their lives in the tragedy. Representative Yongue made a motion to give the joint resolution a favorable report, and the motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 551-AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION. The bill had been given a favorable report by the House Committee on Finance and calendared. It was removed from the calendar and brought to this committee so that it could be used as a vehicle for an amendment by Representative Crawford. Representative Crawford was recognized to send forward and explain the amendment. He stated that the amendment allows for the renovation of old housing in the City of Roanoke Rapids. Representative Hall also spoke in favor of the amendment. Representative Crawford moved for adoption of the amendment, and the motion carried. Representative Crawford then moved that the bill be given a favorable report, as amended. The motion passed.

SENATE BILL 649-AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION. The bill was given a favorable report by the Committee on Judiciary III and referred to this committee. Representative Sherrill withdrew a pending amendment which was before the committee at the last meeting. She sent forth a new amendment and was recognized to explain the amendment. She stated that at the last meeting the committee discussed problems experienced by car rebuilders due to an interpretation in July of the salvage motor vehicle law by the Motor Vehicles Department. She asked that Giles Perry, staff attorney, be recognized to explain the amendment. He stated that the amendment delays

the effect of the July interpretation until November 1, 2001 and directs the Department to issue titles under the old procedure until November 1. Carol Howard, Commissioner of the Department of Motor Vehicles, explained the prior and present interpretations and stated that in her opinion the present interpretation is fair and protects the consumer. Following questions of the Commissioner by members of the committee, Representative Sherrill moved for adoption of the amendment, which motion passed. Representative Yongue then made a motion that the amendment be incorporated into a House committee substitute, that the House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion passed.

There being no further business, the meeting adjourned at 230 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 1

HOUSE JOINT RESOLUTION 1466

Sponsors:	Representatives Miller; Adams, Alexander, Barbee, Carpenter, Coates, Cox, Creech, Culp, Daughtry, Decker, Dedmon, Eddins, Edwards, Ellis, Esposito, Fitch, Gibson, Goodwin, Gulley, Harrington, Hiatt, Hilton, Holliman, Holmes, Howard, Hurley, Johnson, Justus, Kiser, Luebke, McCombs, McLawhorn, Michaux, Mitchell, Morgan, Morris, Pope, Setzer, Sherrill, Shubert, Smith, Teague, Tucker, Underhill, Warwick, Weatherly, Weiss, West, C. Wilson, and G. Wilson.
Referred to:	Rules, Calendar, and Operations of the House.

September 17, 2001

A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURGH, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOST THEIR LIVES DUE TO THIS TRAGEDY.

Whereas, North Carolina takes great pride in the military and intelligence personnel across the country; and

Whereas, an untold number of American civilians, military, and public safety personnel have lost their lives; and

Whereas, this tragedy will affect not only the victims but also their families and everyone else in the nation; and

Whereas, the intent of those terrorists was to disrupt our country and create chaos; and

Whereas, the General Assembly pledges to support the President in his efforts to find and punish the responsible parties; and

Whereas, the General Assembly is saddened by the loss of the World Trade Center employees, the Pentagon employees, the passengers and crews on the four airplanes, and the law enforcement officers and firemen who unwittingly gave their lives; Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of North Carolina wishes to express its support for the President of the United States in all of his efforts to restore and protect the American way of life.

SECTION 2. The General Assembly of North Carolina wishes to honor the life and memory of those who lost their lives in this tragedy.

SECTION 3. The Secretary of State shall transmit a certified copy of this resolution to the President of the United States.

SECTION 4. This resolution is effective upon ratification.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.J.R. 1466 A JOINT RESOLUTION EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TO FIND AND PUNISH THE TERRORISTS RESPONSIBLE FOR THE DESTRUCTION OF THE WORLD TRADE CENTER, THE CRASHING OF ONE PLANE INTO THE PENTAGON AND THE CRASHING OF ANOTHER PLANE NEAR PITTSBURG, PENNSYLVANIA, AND HONORING ALL AMERICANS WHO HAVE LOTS THEIR LIVES DUE TO THIS TRAGEDY.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 551
Finance Committee Substitute Adopted 7/25/01

Short Title: Weldon Annexation Agreement. (Local)

Sponsors:

Referred to:

March 20, 2001

A BILL TO BE ENTITLED

AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

The General Assembly of North Carolina enacts:

SECTION 1. Effective May 7, 2001, Section 2 of Session Law 2001-49 reads as rewritten:

"**SECTION 2.** This act is effective when it becomes ~~law.~~law, except that Section 1 of this act becomes effective June 30, 2011."

SECTION 2. Session Law 2001-49 is amended by adding new sections to read:

"**SECTION 1.1.** None of the territory described in Section 1 of this act may be annexed under Article 4A of Chapter 160A of the General Statutes by any municipality other than the Town of Weldon.

"**SECTION 1.2.** Notwithstanding any applicable provision of the General Statutes or any other public or local law, the Town of Weldon is granted certain contract powers as follows:

(1) To enter into an agreement providing that property described in Section 1 of this act may not be involuntarily annexed by the Town prior to June 30, 2011, under the General Statutes as they now exist or may be subsequently amended. The Town of Weldon shall not seek to repeal this act upon its approval by the General Assembly.

(2) Any agreement entered into as provided in subdivision (1) of this section is specifically determined to be consistent with the public policy of the State of North Carolina.

(3) Any agreement entered into as provided in subdivision (1) of this section is a continuing agreement and is binding on and enforceable against the current and future members of the Board of Commissioners of the Town of Weldon during the full term of such agreement and any extension thereof.

(4) The parties to any agreement entered into as provided in subdivision (1) of this section are authorized by this section to modify, amend, and extend such agreement on mutual written consent, without the approval of the General Assembly, provided that any such modification or amendment does not materially alter the concept of the agreement.

(5) To accept payments in lieu of taxes as consideration for such agreement."

SECTION 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 551

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S551-ARW-30 [v.2]

Date 9/19/01 ,2001

Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Representative J. Crawford

moves to amend the bill on page 2, line 9 by rewriting that line to read:

"**SECTION 3.** Notwithstanding G.S. 143-128, 143-129, and 143-132, the City of Roanoke Rapids may use the design-build method of construction for the Neighborhood Resource Center on the site of the old A&P building on the corner of Third and Jackson Streets.

SECTION 4. This act is effective when it becomes law"; and

further moves to amend the bill on page 1, line 3, by adding the following immediately before the period "AND TO ALLOW THE DESIGN-BUILD METHOD OF CONSTRUCTION ON A PROJECT OF THE CITY OF ROANOKE RAPIDS".

SIGNED James W. Crawford Jr
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 551 A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 1

SENATE BILL 649

Short Title:	MV Dealer Disclosure of Certain Fees.	(Public)
Sponsors:	Senators Hoyle, Plyler, Dalton, and Carter.	
Referred to:	Commerce.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-101.1. Conspicuous disclosure of dealer administrative fees.**

(a) No motor vehicle dealer may charge an administrative, origination, documentary, procurement, or other similar administrative fee related to the sale or lease of a motor vehicle, whether or not that fee relates to costs or charges which the dealer is required to pay to third parties or is attributable to the dealer's internal overhead or profit, unless the dealer complies with all of the following requirements:

(1) The dealer shall post a conspicuous notice in the sales or finance area of the dealership at least 24 inches on each side informing customers that a fee regulated by this section may or will be charged and the amount of the fee.

(2) The fact that the dealer charges a fee regulated by this section and the amount of the fee shall be disclosed whenever the dealer engages in the price advertising of vehicles.

(3) The amount of a fee regulated by this section shall be separately identified on the customer's buyer's order, purchase order, or bill of sale.

(b) Nothing contained in this section or elsewhere under the law of this State shall be deemed to prohibit a dealer from, in the dealer's discretion, deciding not to charge an administrative, origination, documentary, procurement, or other similar administrative fee or reducing the amount of the fee in certain cases, as the dealer may deem appropriate.

(c) Notwithstanding the terms of any contract, franchise, novation, or agreement, it shall be unlawful for any manufacturer, manufacturer branch, distributor, or distributor branch to prevent, attempt to prevent, prohibit, coerce, or attempt to coerce, any new motor vehicle dealer located in this State from charging any administrative, origination, documentary, procurement, or other similar administrative fee related to the sale or lease of a motor vehicle. It shall further be unlawful for any manufacturer, manufacturer branch, distributor, or distributor branch, notwithstanding the terms of any contract, franchise, novation, or agreement, to prevent or prohibit any new motor vehicle dealer in this State from participating in any program relating to the sale of motor vehicles or reduce the amount of compensation to be paid to any dealer in this State, based upon the dealer's willingness to refrain from charging or reduce the amount of any administrative, origination, documentary, procurement, or other similar administrative fee related to the sale or lease of a motor vehicle."

SECTION 2. Chapter 20 of the General Statutes is amended by adding a new section to read:

"**§ 20-101.2. Conspicuous disclosure of dealer finance yield charges.**

(a) No motor vehicle dealer may charge a fee or receive a commission or other compensation for providing, procuring, or arranging financing for the retail purchase or lease of a motor vehicle, unless the dealer complies with both of the following requirements:

(1) The dealer shall post a conspicuous notice in the sales or finance area of the dealership at least 24 inches on each side informing customers that the dealer may receive a fee, commission, or other compensation for providing, procuring, or arranging financing for the retail purchase or lease of a motor vehicle, for which the customer may be responsible.

(2) The dealer shall disclose conspicuously on the purchase order or buyer's order, or on a separate form provided to the purchaser at or prior to the closing on the sale of the vehicle, that the dealer may receive a fee, commission, or other compensation for providing, procuring, or arranging financing for the retail purchase or lease of a motor vehicle, for which the customer may be responsible.

(b) Nothing contained in this section or elsewhere under the law of this State shall be deemed to require that a motor vehicle dealer disclose to any actual or potential purchaser the dealer's contractual arrangements with any finance company, bank, leasing company, or other lender or financial institution, or the amount of markup, profit, or compensation which the dealer will receive in any particular transaction or series of transactions from the charging of such fees."

SECTION 3. Nothing contained in Section 1 or 2 above or elsewhere under the law of this State shall be deemed as imposing any civil or criminal liability on motor vehicle dealers located in this State for failure to disclose any of the information required to be in Sections 1 and 2 above prior to the effective date of this act.

SECTION 4. G.S. 20-288(e) reads as rewritten:

"(e) Each applicant approved by the Division for license as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall furnish a corporate surety bond or cash bond or fixed value equivalent of the bond. The amount of the bond for an applicant for a motor vehicle dealer's license is ~~twenty-five thousand dollars ($25,000)~~ fifty thousand dollars ($50,000) for one established salesroom of the applicant and ~~ten thousand dollars ($10,000)~~ twenty-five thousand dollars ($25,000) for each of the applicant's additional established salesrooms. The amount of the bond for other applicants required to furnish a bond is ~~twenty-five thousand dollars ($25,000)~~ fifty thousand dollars ($50,000) for one place of business of the applicant and ~~ten thousand dollars ($10,000)~~ twenty-five thousand dollars ($25,000) for each of the applicant's additional places of business.

A corporate surety bond shall be approved by the Commissioner as to form and shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this Article and Article 15. A cash bond or fixed value equivalent thereof shall be approved by the Commissioner as to form and terms of deposits as will secure the ultimate beneficiaries of the bond; and such bond shall not be available for delivery to any person contrary to the rules of the Commissioner. Any purchaser of a motor ~~vehicle~~ vehicle, including a motor vehicle dealer, who shall have suffered any loss or damage by the failure of any license holder subject to this subsection to deliver free and clear title to any vehicle purchased from a license holder or any other act of a license holder subject to this subsection that constitutes a violation of this Article or Article 15 of this Chapter shall have the right to institute an action to recover against the license holder and the surety. Every license holder against whom an action is instituted shall notify the Commissioner of the action within 10 days after served with process. A corporate surety bond shall remain in force and effect and may not be canceled by the surety unless the bonded person stops engaging in business or the person's license is denied, suspended, or revoked under G.S. 20-294. ~~Such~~ That cancellation may be had only upon 30 days' written notice to the Commissioner and shall not affect any liability incurred or accrued prior to the termination of such 30-day period. This subsection does not apply to a license holder who deals only in trailers having an empty weight of 4,000 pounds or less. This subsection does not apply to manufacturers of, or dealers in, mobile or manufactured homes who furnish a corporate surety bond, cash bond, or a fixed value equivalent ~~thereof,~~ pursuant to G.S. 143-143.12."

SECTION 5. Sections 1, 2, and 3 of this act become effective October 1, 2001. Section 4 of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 649

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

S649-ARW-29 [v.7]

Date 9/19/01 ,2001

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Sherrill

moves to amend the bill on page 1, line 4,
by rewriting that line to read:
"TO INCREASE DEALER SURETY BOND PROTECTION AND TO CLARIFY THE LAW CONCERNING SALVAGE MOTOR VEHICLES.";
and further moves to amend the bill on page 3, lines 34 and 35, by rewriting those lines to read:

"**SECTION 5.** The Division of Motor Vehicles shall issue or reissue an unbranded title for vehicles titled in this State between July 20, 2001 and November 1, 2001 pursuant to G.S. 20-71.3 if the vehicle was a motor vehicle damaged by collision or other occurrence and if the cost of repairs, including parts, did not exceed seventy-five percent (75%) of its fair market value. Transfers of vehicles issued or reissued unbranded titles pursuant to this section shall be subject to the disclosure requirements of G.S. 20-71.4

SECTION 6. Sections 1, 2, and 3 of this act become effective December 1, 2001. Section 5 of this act becomes effective upon ratification and expires November 1, 2001. Sections 4 and 6 of this act become effective when they become law.".

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 649

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S649-ARW-29 [v.7]

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☐ Committee Substitute for
S.B. 649 A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Name of Committee

9-19-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[illegible]	Moore & Van Allen
[illegible]	Moore & Van Allen
[illegible]	MFOS P.A.
[illegible]	Self-Help
Robert Glazer	NCADA
Lori Ann Harris	LAHA
Sharon Matthews	DOT - DMV
Carol Howard	DOT - DMV
[illegible] Edwards	DOT - DMV
[illegible]	NCDOT
Foyle Hightower	Visitor
Henry Jones	Attorney - Raleigh
[illegible]	[illegible]
Ann Lore	DUHS
[illegible]	[illegible]

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

September 26, 2001

The Committee on Rules, Calendar and Operations of the House met on September 26, 2001 at 3:45 p.m. in Room 421 the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Boyd-McIntyre, Gulley, Hill, Morgan, Rogers, Setzer, Sherrill, Thompson and Yongue.

The following bill was considered:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 600-AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES. House committee substitute #2, which changes the title to AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001, was sent forward. A bill analysis of the changes in the proposed committee substitute #2 is attached and made a part of these minutes. Giles Perry, staff attorney, explained the changes in Sections 1, 2, 3, 4, 5, 6 and 7. Gerry Cohen, Director of Bill Drafting, explained Section 8, and Walter Reagan, staff attorney, explained Sections 9, 10 and 11. Ruth Sappie with the Department of Transportation, answered questions of the members. Representative Barefoot moved to give House committee substitute #2 a favorable report, unfavorable as to House committee substitute #1, which motion carried.

There being no further business, the meeting adjourned at 4:00 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 4

SENATE BILL 600

Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01
House Committee Substitute Favorable 6/14/01

Short Title: MV Technical Changes. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(12a) reads as rewritten:

"(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight ~~of a vehicle.~~ a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original ~~design,~~ design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles ~~may be deemed as the GVWR~~ for the purpose of enforcing this Chapter."

SECTION 2. G.S. 20-30(6) reads as rewritten:

"(6) ~~To photostat or otherwise reproduce a driver's license or learner's permit or to possess a driver's license or learner's permit which has been photostated or otherwise reproduced, unless such photostat or other reproduction was authorized by the Commissioner.~~ To make a color photocopy or otherwise make a color reproduction of a drivers license, learner's permit, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such color photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a drivers license, learner's permit, or special identification card or

otherwise make a black and white reproduction of a drivers license, learner's permit, or special identification card."

SECTION 3. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the Great Smoky Mountains National Park special registration plate, shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right."

SECTION 4. G.S. 20-101 reads as rewritten:

"**§ 20-101. Certain business vehicles to be marked.**

A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety regulations, shall be marked as required by that Part.

A motor vehicle that is not subject to those regulations, has a gross vehicle weight rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5), or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters not less than three inches in height.

A motor vehicle that is subject to regulation by the North Carolina Utilities Commission shall be marked as required by that Commission and as otherwise required by this section."

SECTION 5. G.S. 20-116(g) reads as rewritten:

"(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the vehicle is ~~so~~ constructed ~~or~~ and loaded ~~as~~ to prevent any of its load from falling, blowing, dropping, sifting, leaking, or otherwise escaping ~~therefrom, except that~~ therefrom, and the vehicle shall not contain any holes, cracks, or openings through which any of its load may escape. However, sand may be dropped for the purpose of securing traction, or water or other substance may be ~~sprinkled~~ sprinkled, dumped, or spread on a roadway in cleaning or maintaining ~~such~~ the roadway.

(2) Trucks, trailers or other vehicles when loaded with rock, gravel, stone or ~~other~~ any other similar ~~substances which~~ substance that could fall, blow, leak, sift or drop shall not be driven or moved on any highway

unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading ~~point, or if not so loaded, unless~~ point and the load shall be securely covered by tarpaulin or some other suitable ~~covering, or unless it is otherwise constructed so as~~ covering to prevent any of its load from falling, dropping, sifting, leaking, blowing, or otherwise escaping therefrom. This subdivision does not apply to a vehicle licensed for 7,500 pounds or less gross vehicle weight.

(3) ~~Provided this~~ This section shall not be applicable to or in any manner restrict the transportation of seed cotton, of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock."

SECTION 6. G.S. 20-118(c)(14) reads as rewritten:

"(14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the following conditions:

a. Is hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina State border to a destination in ~~an adjacent state~~ another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.

b. Does not operate on an interstate highway or posted bridge.

c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not ~~apply.~~ apply and vehicles must be licensed in accordance with G.S. 20-88.

d. All other enforcement provisions of this Article remain applicable."

SECTION 7. G.S. 20-118.1 reads as rewritten:

"**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's weight is in compliance with the vehicle's declared gross weight and the weight limits set in this Part. The officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle.

Any person operating a vehicle or a combination of vehicles having a GVWR of 10,001 pounds or more or any vehicle transporting hazardous materials that is required to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or

temporary inspection or weigh site as directed by duly erected signs or an electronic transponder for the purpose of being electronically screened for compliance, or weighed, or inspected.

If the vehicle's weight exceeds the amount allowable, the officer may detain the vehicle until the overload has been removed. Any property removed from a vehicle because the vehicle was overloaded is the responsibility of the owner or operator of the vehicle. The State is not liable for damage to or loss of the removed property.

Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has been approved by the Department of Agriculture and Consumer Services."

SECTION 8. G.S. 20-142.3 reads as rewritten:

"**§ 20-142.3. Certain vehicles must stop at railroad grade ~~crossing; placarding certain vehicles.~~ crossing.**

(a) Before crossing at grade any track or tracks of a railroad, the driver of any school bus, any activity bus, any motor vehicle carrying passengers for compensation, ~~any property-hauling motor vehicle carrying hazardous materials,~~ any commercial motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for any approaching train and shall not proceed until ~~he~~ the driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track in a gear that allows the driver to cross the track without changing gears and the driver shall not change gears while crossing the track or tracks.

(b) Except for school buses and activity buses, the provisions of this section shall not require the driver of a vehicle to stop:

(1) At railroad tracks used exclusively for industrial switching purposes within a business district.

(2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.

(3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when the gate or flashing signal does not indicate the approach of a train.

(4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this State any hazardous material without conspicuously marking or placarding the motor vehicle on each side and on the rear with the word "DANGEROUS" or the common or generic name of the article transported or its principal hazard. Additionally, the rear of any such vehicle shall be conspicuously marked with the words "THIS VEHICLE~~

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 600

Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01
House Committee Substitute Favorable 6/14/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S600-CSRU-89 [v.5]

9/26/2001 2:41:20 PM

Short Title: MV and October 1 Technical Changes. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(12b), as amended by Section 1 of S.L. 2001-356, reads as rewritten:

"(12b) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight ~~of a vehicle.~~ a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original ~~design,~~ design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles ~~may be deemed as the GVWR~~ for the purpose of enforcing this Chapter."

SECTION 2. G.S. 20-30(6) reads as rewritten:

"(6) ~~To photostat or otherwise reproduce a driver's license or learner's permit or to possess a driver's license or learner's permit which has been photostated or otherwise reproduced, unless such photostat or other reproduction was authorized by the Commissioner.~~ To make a color photocopy or otherwise make a color reproduction of a drivers license, learner's permit, or special identification card which has been color-photocopied or otherwise reproduced in color, unless such color

photocopy or other color reproduction was authorized by the Commissioner. It shall be lawful to make a black and white photocopy of a drivers license, learner's permit, or special identification card or otherwise make a black and white reproduction of a drivers license, learner's permit, or special identification card."

SECTION 3. G.S. 20-63(b) reads as rewritten:

"(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of the State of North Carolina, which may be abbreviated, and the year number for which it is issued or the date of expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for 7,000 pounds through 26,000 pounds must bear the word "weighted".

A registration plate issued by the Division for a private passenger vehicle or for a private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the Great Smoky Mountains National Park special registration plate, shall be a "First in Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at the top of the plate above all other letters and numerals. The background of the plate shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane flying slightly upward and to the right."

SECTION 4. G.S. 20-101 reads as rewritten:

"**§ 20-101. Certain business vehicles to be marked.**

A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety regulations, shall be marked as required by that Part.

A motor vehicle that is not subject to those regulations, has a gross vehicle weight rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5), or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters not less than three inches in height.

A motor vehicle that is subject to regulation by the North Carolina Utilities Commission shall be marked as required by that Commission and as otherwise required by this section." or livestock."

SECTION 5. G.S. 20-118(c)(14) reads as rewritten:

"(14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the following conditions:

a. Is hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina State border to a destination in ~~an adjacent state~~ another state adjacent to that county as verified by a weight ticket in the driver's possession and available for inspection by enforcement personnel.

b. Does not operate on an interstate highway or posted bridge.

c. Does not exceed 69,850 pounds gross vehicle weight and 53,850 pounds per axle grouping for tri-axle vehicles. For purposes of this subsection, a tri-axle vehicle is a single power unit vehicle with a three consecutive axle group on which the respective distance between any two consecutive axles of the group, measured longitudinally center to center to the nearest foot, does not exceed eight feet. For purposes of this subsection, the tolerance provisions of subsection (h) of this section do not ~~apply.~~ apply and vehicles must be licensed in accordance with G.S. 20-88.

d. All other enforcement provisions of this Article remain applicable."

SECTION 6. G.S. 20-118.1 reads as rewritten:

"**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's weight is in compliance with the vehicle's declared gross weight and the weight limits set in this Part. The officer may require the driver of the vehicle to drive to a scale located within five miles of where the officer stopped the vehicle.

Any person operating a vehicle or a combination of vehicles having a GVWR of 10,001 pounds or more or any vehicle transporting hazardous materials that is required to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or temporary inspection or weigh site as directed by duly erected signs or an electronic transponder for the purpose of being electronically screened for compliance, or weighed, or inspected.

If the vehicle's weight exceeds the amount allowable, the officer may detain the vehicle until the overload has been removed. Any property removed from a vehicle because the vehicle was overloaded is the responsibility of the owner or operator of the vehicle. The State is not liable for damage to or loss of the removed property.

Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has been approved by the Department of Agriculture and Consumer Services."

SECTION 7. G.S. 20-142.3 reads as rewritten:

"**§ 20-142.3. Certain vehicles must stop at railroad grade ~~crossing; placarding certain vehicles.~~ crossing.**

(a) Before crossing at grade any track or tracks of a railroad, the driver of any school bus, any activity bus, any motor vehicle carrying passengers for compensation, ~~any property hauling motor vehicle carrying hazardous materials,~~ any commercial motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for any approaching train and shall not proceed until ~~he~~ the

driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track in a gear that allows the driver to cross the track without changing gears and the driver shall not change gears while crossing the track or tracks.

(b) Except for school buses and activity buses, the provisions of this section shall not require the driver of a vehicle to stop:

(1) At railroad tracks used exclusively for industrial switching purposes within a business district.

(2) At a railroad grade crossing which a police officer or crossing flagman directs traffic to proceed.

(3) At a railroad grade crossing protected by a gate or flashing signal designed to stop traffic upon the approach of a train, when the gate or flashing signal does not indicate the approach of a train.

(4) At an abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned.

(5) At an industrial or spur line railroad grade crossing marked with a sign reading "Exempt" erected by or with the consent of the appropriate State or local authority.

(c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this State any hazardous material without conspicuously marking or placarding the motor vehicle on each side and on the rear with the word "DANGEROUS" or the common or generic name of the article transported or its principal hazard. Additionally, the rear of any such vehicle shall be conspicuously marked with the words "THIS VEHICLE STOPS AT RAILROAD CROSSINGS" or "WE STOP AT RR CROSSINGS."~~ A person violating the provisions of this ~~subsection~~ section shall be guilty of an infraction and punished in accordance with G.S. 20-176. Violation of this section shall not constitute negligence per se.

~~(d) "Hazardous materials," for purposes of this section only, means any hazardous material required to be placarded under 49 C.F.R. § 171-180.~~

~~(e) The provisions of this section shall not apply to vehicles subject to Federal Motor Carrier Safety rules adopted by the Division of Motor Vehicles.~~"

SECTION 8. G.S. 51-2(a1), as enacted by Section 2 of S.L. 2001-62, reads as rewritten:

"(a1) Persons over 16 years of age and under 18 years of age may marry, and the register of deeds may issue a license for the marriage, only after there shall have been filed with the register of deeds a written consent to the marriage, said consent having been signed by the appropriate person as follows:

(1) By a parent having full or joint legal custody of the underage party; or

(2) By a person, agency, or institution having legal custody or serving as a guardian of the underage party.

~~The written consent required by this subsection shall be either acknowledged before a notary public or signed in the presence of the register of deeds.~~ Such written consent shall not be required for an emancipated minor if a certificate of emancipation issued

pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed with the register of deeds."

SECTION 9. Section 2 of S.L. 2001-177 reads as rewritten:

"**SECTION 2.** This act becomes effective October 1, 2001, and applies to ~~actions on payment bonds filed~~ labor and materials furnished on or after that date."

SECTION 10.(a) The prefatory language of Section 2 of S.L. 2001-297 is rewritten to read:

"**SECTION 2.** G.S. 58-65-1 reads as rewritten:".

SECTION 10.(b) The statutory catchline in Section 2 of S.L. 2001-297 is rewritten to read:

"**58-65-1. Regulation and definitions; application of other laws; profit and foreign corporations prohibited.**"

SECTION 11. Section 4 of S.L. 2001-308 reads as rewritten:

"**SECTION 4.** Section 3 of this act becomes effective July 1, 2001, ~~and expires October 1, 2001.~~but only applies with respect to budget ordinance amendments adopted on or before October 1, 2001. The remainder of this act becomes effective for taxes imposed for taxable years beginning on or after July 1, 2002."

SECTION 12. If House Bill 1154 becomes law, Section 11 of House Bill 1154 reads as rewritten:

"**SECTION 11.** This act becomes effective ~~October 1, 2001.~~December 1, 2001."

SECTION 13. Sections 8, 9, 10, 11, 12 and 13 of this act become effective October 1, 2001. Section 3 of this act becomes effective January 1, 2003. The remainder of this act becomes effective December 1, 2001, and applies to offenses occurring on or after that date.

SENATE BILL 600:
Motor Vehicle and October 1 Technical Changes

BILL ANALYSIS

Committee:	House Rules	**Introduced by:**	Senator Gulley
Date:	September 26, 2001	**Summary by:**	Giles S. Perry, Dianna Jessup
Version:	S600-CSRU-89		Committee Counsel

SUMMARY: ***Senate Bill 600 makes various technical and other changes to the motor vehicle statutes and makes other technical corrections to bills already enacted that if not corrected, would have an adverse effect as described below and should be corrected before October 1, 2001.***

BILL ANALYSIS:

Sections 1 through 7 of the bill make various changes to the motor vehicle statutes:

Section 1 of the bill changes the definition of "gross vehicle weight rating" from the value specified by the manufacturer as the *maximum loaded weight* of a vehicle to *the maximum loaded weight a vehicle is capable of safely hauling.* The bill also provides that when a vehicle is structurally altered in any way from the manufacturer's original design in an attempt to increase the hauling capacity of the vehicle, the gross vehicle weight rating of that vehicle will then be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles.

Section 2 rewrites the provision concerning copying or possessing a copy of a driver's license or learner's permit to allow black and white copies. The section also adds special identification cards to the coverage of this section.

Section 3 makes the requirement that a plate issued for a commercial vehicle must bear the word "commercial" applicable only to commercial vehicles weighing 26,001 pounds or more. The plate issued for commercial vehicles licensed for 7,000 pounds up to 26,000 pounds must bear the word "weighted".

Section 4 amends the State requirement that certain business vehicles be marked, by limiting its applicability to vehicles with a gross vehicle weight rating of more than 10,000 pounds *but less than 26,001 pounds.*

Section 5 clarifies an exception to the law regarding the weight of vehicles and load. Current law includes a weight and penalty exception for vehicles hauling aggregates from a distribution yard or a State-permitted production site within a North Carolina county contiguous to the North Carolina border to a destination *in an adjacent state.* This section of the bill amends the exception so that it applies to the described hauling to *another state adjacent to that county.* This section also requires that vehicles subject to this exception must be licensed in accordance with requirements for property hauling vehicles.

Section 6 amends the statute that authorizes law enforcement officers to weigh vehicles and require overloads to be removed. This section would specifically require vehicles with a GVRW of 10,001 pounds or more and vehicles transporting placardable amounts of hazardous materials enter a weigh station when directed by signs or electronic transponders.

Section 7 amends the statute that requires certain vehicles to stop at railroad grade crossings. This section makes three changes:

--clarifies the existing requirement that vehicles transporting placardable amounts of hazardous materia must stop at RR crossings by adding an appropriate reference to federal law in G.S. 20-142.3(a) and deleting a reference in G.S. 20-142.3(d);

--clarifies that G.S. 20-142.3, which requires certain vehicles stop at RR crossings, applies to vehicles subject to federal Motor Carrier Safety regulations by deleting G.S. 20-142.3(e); and

--deletes a provision concerning marking of hazardous materials that conflicts with federal regulations (G.S. 20-142.3(c)).

Sections 8 through 12 make various other technical changes:

Section 8 corrects Section 2 of S.L. 2001-62 (Amend Marriage Statute). The wrong edition of the bill was ratified. Currently, beginning October 1, 2001, consents to underage marriages will need to be notarized. This requirement was deleted from the bill that was reported out of the committee, but when the bill was printed, the requirement had not been deleted.

Section 9 corrects S.L. 2001-177 (Action on Construction Payment Bond). Act shortened the time period for giving notice of a claim under a performance bond and made it applicable to actions filed on or after October 1, 2001. If not corrected, a person's existing right to bring an action could potentially be cut off (which is probably unconstitutional).

Section 10 corrects two errors in S.L. 2001-177 (Health Insurance Licensed Professional Counselor), one in the prefatory language that refers to adding a new section when an existing section was amended, and the other a statutory citation in a catchline. If not corrected, the bill will not become law on October 1, 2001.

Section 11.corrects S.L. 2001-308 (Authorize Local Governments to Reduce Property Tax). This bill, enacted July 26, 2001, gave local governments until October 1, 2001 to reduce property taxes in light of the unanticipated release of withheld reimbursement by the Governor and the expansion of the homestead property tax relief. The act expires October 1, 2001. The change in this section would give local governments until the end of October 1, 2001 to enact ordinance amendments to reduce the taxes. If not corrected, the bill would expire at the beginning of October 1, 2001.

Section 12 changes the effective date for House Bill 1154 (Crime Victims' Rights Act Amendments), currently in the House for concurrence in the Senate Committee Substitute, from October 1, 2001, to December 1, 2001.

Effective Date:
Sections 8, 9, 10, 11, 12 and 13 of the bill would become effective October 1, 2001. Section 3 of the bill would become effective January 1, 2003. The remainder of the bill would become effective December 1, 2001 and apply to offenses occurring on or after that date.

Walker Reagan contributed to this summary.

S600-SMSW-001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations os the House.**

☒ House Committee Substitute #1 for
S.B. 600 A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE 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 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

9-26-01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hal Askins	N.C. DOJ
LT. DAVE A. MOODY	N.C. DMV ENFORCEMENT
Sharon Matthews	DOT - DMV
DIANE JOHNSON	DOT - DMV
Annette Ethridge	Gov's Office
VLMc Bridge	NCTA
Patricia A. Yacey	APPCNC / ACLU
Wendy Graf Ray	Research · NCLA
Susan Valaurid	Nationwide
Dana Hamm	JA BOMJ

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
SEPTEMBER 26, 2001
3:45 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 600 – MV TECHNICAL CHANGES

ADJOURNMENT

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

HOUSE MEMBERS CONFERENCE ROOM
LEGISLATIVE BUILDING
OCTOBER 3, 2001
6:10 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 382 – ADOPT STATE FRUIT AND BERRIES

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

October 3, 2001

The Committee on Rules, Calendar and Operations of the House met on October 3, 2001 at 6:10 p.m. in the House Conference Room in the Legislative Building. The following members were present: Representatives Culpepper; Chairman, Hackney, Vice Chairman; Allred, Barefoot, Boyd-McIntyre, Gulley, Hill, Morgan, Setzer, Sherrill and Thompson.

The following bill was discussed:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 382-AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA. Representative Hill was recognized to explain the bill. He stated that the original bill adopted the strawberry as the official fruit of the state, whereas the Senate committee substitute adopts the scuppernong grape as the official fruit, the blueberry as the official blue berry and the strawberry as the official red berry. He made a motion that the committee recommend that the House concur with the Senate committee substitute and the motion carried.

There being no further business, the meeting adjourned at 6:15.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 382

Senate Appropriations/Base Budget Committee Substitute Adopted 9/27/01

Short Title: Adopt State Fruit and Berries. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES OF NORTH CAROLINA.

PART I. NORTH CAROLINA'S HERITAGE OF FARMING.

Whereas, North Carolina's economy originated and developed as an agrarian economy with a cornucopia of fruits and vegetables; and

Whereas, the State takes great pride in its rich heritage of farming; and

Whereas, there are still many families who base their livelihood in farming and who are continuing the North Carolina tradition of producing goods from our land; and

Whereas, one of the main sources of agricultural production in the State is the production of fruits and berries of several varieties; and

PART II. THE SCUPPERNONG GRAPE.

Whereas, North Carolina is the home of our nation's first cultivated grape, the Scuppernong; and

Whereas, the Scuppernong grape was named after the Scuppernong River in North Carolina; and

Whereas, British explorers in 1584 and 1585 reported to Queen Elizabeth and Sir Walter Raleigh that the barrier islands of what is now, in part, Roanoke Island were full of grapes and that the soil of the land was "so abounding with sweet trees that bring rich and most pleasant gummes, grapes of such greatness, yet wild, as France, Spain, nor Italy hath not greater..."; and

Whereas, Sir Walter Raleigh's colony discovered the famous Scuppernong "Mother Vineyard" on Roanoke Island, a vine that is now over 400 years old and has a trunk over two feet thick; and

Whereas, the State toast, penned in 1904, references North Carolina as the land "[w]here the scuppernong perfumes the breeze at night,"; and

PART III. THE STRAWBERRY AND THE BLUEBERRY.

Whereas, there are over 1,700 acres of strawberries and over 3,600 acres of blueberries harvested in North Carolina each year; and

Whereas, in 2000, strawberry growers in the State produced 23,000,000 pounds of strawberries, yielding $17,325,000 in revenues; and

Whereas, in 2000, blueberry growers in the State produced 17,500,000 pounds of blueberries, resulting in an increase in the State's economy of over $18,000,000 in revenues; and

Whereas, these delicious berries are a good source of vitamins, a number of life-sustaining minerals, and dietary fiber;

Whereas, the blueberry is an antioxidant, which has been proven to reduce cholesterol and lower the risk of heart disease; and

Whereas, each year the Town of Chadbourn in Columbus County hosts the North Carolina Strawberry Festival, which is one of the most celebrated traditions in the State; and

Whereas, the State of North Carolina does not have an official fruit nor an official berry; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 145 of the General Statutes is amended by adding a new section to read:

"**§ 145-18. State fruit and State berries.**

(a) The official fruit of the State of North Carolina is the Scuppernong grape (Vitis genus).

(b) The official red berry of the State is the strawberry (Fragaria genus).

(c) The official blue berry of the State is the blueberry (Vaccinium genus)."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Senate Committee Substitute for
H.B. 382 A BILL TO BE ENTITLED AN ACT ADOPTING THE OFFICIAL FRUIT AND BERRIES 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 ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☒ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
OCTOBER 23, 2001
10:05 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 728 – DISPLAY OF AMERICAN FLAG

SB 139 – LOCAL FLEX. REGARDING CHARTER SCH. TEACHERS

SB 178 – ADULT CARE HOME ASSESSMENT

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

October 23, 2001

The Committee on Rules, Calendar and Operations of the House met on October 23, 2001 at 10:05 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman: Hackney, Vice Chairman; Allen, Allred, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gulley, Hill, Luebke, McComas, McCombs, McMahan, Morgan, Rogers, Setzer, Sherrill, Thompson and Yongue.

The following bills were considered:

HOUSE BILL 728 – AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG. A proposed committee substitute was offered, and Representative Hill moved that the proposed committee substitute be adopted for purposes of discussion. Without objection, the chairman so ordered. Representative Capps, bill sponsor, was recognized to explain the bill. He stated that there are subdivisions in Wake County whose covenants either prohibit the American flag to be flown or restrict it to the rear of the property. The purpose of the bill is to try to prevent these restrictions. Also, some local governments consider the flag to be a banner or a sign and do not allow it at all. Dianna Jessup, staff attorney, was recognized and stated that the proposed committee substitute adds subdivision (4) which states that local governments may regulate size, manner of sign, etc. After some discussion, Representative Sherrill sent forth an amendment deleting line 17, page 1, of the proposed committee substitute. Andy Romanet, representing the League of Municipalities, stated that he was not aware of local ordinances directed against the American flag. He would prefer that a provision be made for local ordinances to be able to regulate the size of all flags, banners, and signs so that they don't obstruct view or become too large. He also stated that in his opinion subdivision regulations are contractual regulations and not local regulations. In answer to a question concerning subdivision restrictive covenants, Gerry Cohen, Director of Bill Drafting, stated that a restrictive covenant in a subdivision is a contract between all the private property holders, and under the U. S. Constitution legislatures are specifically barred from impairing contracts. Following further discussion, Representative Sherrill withdrew her amendment. Representative Hill made a motion that the proposed committee substitute be given a favorable report, unfavorable to the original bill. The motion carried.

HOUSE COMMITTEE SUBDIVISION #2 FOR SENATE BILL 139 – AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM. The chairman related the history of the bill and asked Robin Johnson, staff attorney, to speak on the bill. She stated that Section 1 of the bill shortens the amount of

time that leave will be granted for teachers who are leaving a regular traditional public school to teach in a charter school. The bill would require school boards to grant a leave of one year and but would allow them to grant an extension only if they chose to. Under current law school boards are required to grant leave to public school teachers who want to leave to go to a charter school for the number of years the teacher requests. Also, the school system must extend the leave subsequent to that if the teacher requests an extension. Please see the attached bill summary and fiscal note of Section 2 of the bill. Stanley Moore, staff attorney, stated that the bill would have no fiscal impact. Representative Luebke moved that the bill be reported without prejudice. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 178 – AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES. The chairman stated that the bill was given a favorable report by the Committee on Aging and re-referred to this committee. The bill was before the committee on July 24, 2001 at which time Representative Luebke raised the issue as to whether it had any fiscal impact, so the bill was removed from the agenda. A copy of the fiscal note stating that there is no fiscal impact is attached and made a part of these minutes. However, the chairman also stated that in light of the fact that it was anticipated that the bill would pass by July 1, there are dates in the bill that need to be changed. Representative Hill sent forth an amendment (a copy of which is attached) making the changes and moved for its adoption. The motion carried. Representative Hill then moved that the bill be reported without prejudice, as amended. The motion carried.

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 2001

H 1

HOUSE BILL 728

Short Title:	Display of American Flag.	(Public)
Sponsors:	Representatives Capps; Allen, Arnold, Barbee, Barnhart, Blust, Bowie, Brubaker, Cansler, Carpenter, Clary, Cox, Crawford, Creech, Culp, Daughtry, Davis, Decker, Dockham, Eddins, Edwards, Ellis, Fox, Gillespie, Grady, Gray, Gulley, Harrington, Hiatt, Hilton, Holmes, Johnson, Justus, Kiser, McComas, McCombs, McMahan, Mitchell, Morris, Nye, Owens, Pope, Preston, Rayfield, Setzer, Sexton, Sherrill, Shubert, Smith, Teague, Thompson, Walend, Walker, Warner, Warwick, Weatherly, West, C. Wilson, G. Wilson, and Wright.	
Referred to:	Rules, Calendar, and Operations of the House.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 144 of the General Statutes is amended by adding a new section to read:

"**§ 144-7. Display of the American flag.**

No provision of law or regulation shall prohibit the flag of the United States of America from being flown or displayed anywhere within the State if the flag is flown or displayed:

(1) In accordance with the Patriotic Customs set forth in 36 U.S.C. §§ 171-178 governing the display and use of the flag of the United States of America.

(2) Upon private or public property with the consent of either the owner of the property or any person having lawful control of the property.

(3) Within the recommended flagpole standards set out in Our Flag, S. Doc. No. 13, 105th Cong., 1st Sess. (1998)."

SECTION 2. The title of Chapter 144 of the General Statutes reads as rewritten:

"State Flag, American Flag, ~~Motto~~ Motto, and Colors."

SECTION 3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 728
PROPOSED COMMITTEE SUBSTITUTE H728-CSSW-69 [v.1]

10/22/2001 3:57:26 PM

Short Title: Display of American Flag. (Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 144 of the General Statutes is amended by adding a new section to read:

"**§ 144-7. Display of the American flag.**

No provision of law or regulation shall prohibit the flag of the United States of America from being flown or displayed anywhere within the State if the flag is flown or displayed:

(1) In accordance with the Patriotic Customs set forth in 36 U.S.C. §§ 171-178 governing the display and use of the flag of the United States of America.

(2) Upon private or public property with the consent of either the owner of the property or any person having lawful control of the property.

(3) Within the recommended flagpole standards set out in Our Flag, S. Doc. No. 13, 105th Cong., 1st Sess. (1998).

(4) In accordance with local ordinances."

SECTION 2. The title of Chapter 144 of the General Statutes reads as rewritten:

"State Flag, American Flag, ~~Motto~~ Motto, and Colors."

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. 728 DATE _____

S. B. No. _____ Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

Rep. Sherrill
Sen.)

moves to amend the bill on page 1, line 17

( ) WHICH CHANGES THE TITLE

by deleting the line.

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
H.B. 728 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, 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 5

SENATE BILL 139

Education/Higher Education Committee Substitute Adopted 3/21/01
Third Edition Engrossed 3/28/01
House Committee Substitute Favorable 6/20/01
House Committee Substitute #2 Favorable 7/18/01

Short Title: Local Flex. Regarding Charter Sch. Teachers. (Public)

Sponsors:

Referred to:

February 14, 2001

A BILL TO BE ENTITLED

AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29F(e)(3) reads as rewritten:

"(e) Employees. –

...

(3) If a teacher employed by a local school administrative unit makes a written request for ~~an extended~~ a leave of absence to teach at a charter school, the local school administrative unit shall grant the ~~leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request.~~ leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 45 days before the teacher would otherwise have to report for duty. ~~For subsequent years,~~ After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence ~~or extension of leave~~ be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a

teacher who previously has received a leave of absence from that school board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving ~~an extended~~ a leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2)."

SECTION 2. Notwithstanding the time limitation contained in G.S. 135-5.3(b), the board of directors of any charter school that received State Board of Education approval under G.S. 115C-238.29D on or after January 1, 2001, may elect to become a participating employer in the Teachers' and State Employees' Retirement System in accordance with Article 1 of Chapter 135 of the General Statutes. The election authorized by this section must be made no later than 30 days after the effective date of this Act, and in accordance with all other requirements of G.S. 135-5.3.

SECTION 3. Section 1 of this act is effective when it becomes law and applies to requests under G.S. 115C-238.29F(e)(3) that are made on and after that date. The remainder of this act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE ACTUARIAL NOTE
RETIREMENT

BILL NUMBER: Senate Bill 139 (Fourth Edition)

SHORT TITLE: Local Flex. Regarding Charter School Teachers

SYSTEM OR PROGRAM AFFECTED: Teacher's & State Employees' Retirement System

FUNDS AFFECTED: General Fund, and Receipt Fund

BILL SUMMARY: Under the existing law, a charter school has 30 days after they have signed the written charter to elect to participate in the Teachers and State Employee's Retirement System. This bill will give the charter schools that received approval from the State Board of Education on or after March 15, 2001 until August 1, 2001 to make the election whether to participate.

EFFECTIVE DATE: August 1, 2001

ESTIMATED IMPACT ON STATE: Retirement System Actuary: Buck Consultants estimates the cost to be negligible.

General Assembly Actuary: Hartman & Associates states the cost can not be determined since do data is available.

ASSUMPTIONS AND METHODOLOGY: **Teacher's & State Employees' Retirement System**
The cost estimates of the System's Actuary are based on the employee data, actuarial assumptions and actuarial methods used to prepare the December 31, 1999 actuarial valuation of the fund. The data included 285,784 active members with an annual payroll of $8.4 billion and 102,939 retired members in receipt of annual pensions totaling $1.510 billion. Significant actuarial assumptions used include (a) an investment return rate of 7.25%, (b) salary increase rate of 6.25%, (c) the George B. Buck Mortality Tables for deaths in service and after retirement and (d) rates of separation from active service based on System experience. The actuarial cost method used was the entry age normal method with open-end unfunded accrued liability and a frozen unfunded liquidation period of nine years. Detailed information concerning these assumptions and methods is shown in the actuary's report, which is available upon request from Stanley Moore.

SOURCES OF DATA: System Actuary - Buck Consultant, Inc.
General Assembly Actuary - Hartman & Associates, LLC

FISCAL RESEARCH DIVISION 733-4910 The above information is provided in accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives

PREPARED BY: Stanley Moore

APPROVED BY: James D. Johnson

DATE: July 9, 2001

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ House Committee Substitute #2 for
S.B. 139 A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, AND TO AUTHORIZE CERTAIN CHARTER SCHOOLS TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 178*

Children & Human Resources Committee Substitute Adopted 3/29/01

Short Title: Adult Care Home Assessment. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

Whereas, the number of persons who are considering residency in adult care homes is increasing; and

Whereas, when choosing among available adult care homes, persons who need the care and services provided by these facilities often do not know how to evaluate and compare the physical plant, care, and services provided, and costs associated with residency; and

Whereas, an evaluation method for adult care homes would enable consumers of adult care home services to determine the extent to which quality of care and physical plant standards have been met by the facility before deciding whether to reside there; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Health and Human Services shall develop an assessment instrument that will enable residents of adult care homes, and their families, to determine the extent to which the facility provides quality care. The assessment shall be conducted by the State or local government. The instrument shall address discreet areas of care, services, and physical plant amenities and conditions. The Department shall consult with industry representatives, advocacy and research organizations, and consumers in developing the assessment instrument.

SECTION 2. The Department of Health and Human Services shall report on the development of the assessment instrument to the North Carolina Study Commission on Aging on or before November 1, 2001. The report shall include a recommendation on whether the assessment should be conducted by the State or by local government. The Department may conduct a pilot test of the assessment in selected adult care homes that have agreed to participate. If a pilot test is conducted, the Department shall report

the results of the pilot test to the North Carolina Study Commission on Aging not later than April 1, 2002.

SECTION 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB-178 (2nd Edition)

SHORT TITLE: Adult Care Home Assessment.

SPONSOR(S): Senator Purcell (Primary)

FISCAL IMPACT

Yes ( ) **No (X)** **No Estimate Available ( )**

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	FY 2005-06
REVENUES					
EXPENDITURES					
POSITIONS:					

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Health and Human Services, Division of Facility Services

EFFECTIVE DATE: July 1, 2001

BILL SUMMARY: *To Direct the Department of Health and Human Services to develop an instrument for assessing the quality of care provided by Adult Care Homes.* Directs the Department to develop instrument designed to enable residents of adult care homes and their families to assess the quality of care provided by the home. The instrument must address care, services, and physical plant amenities and conditions, and also requires the Department to consult with various parties and to report to the Study Commission on Aging by Nov. 1, 2001. Authorizes pilot testing of assessment instrument.

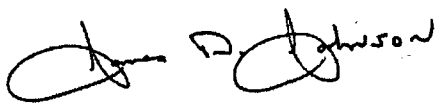
ASSUMPTIONS AND METHODOLOGY:
The Division of Facility Services of the Department of Health and Human Services regulates adult care homes. Facilities are monitored primarily with staff located in county departments of social services with technical assistance provided by state staff in the Division of Facility Services.

Based upon information from the Department of Health and Human Services, the Division of Facility Services will develop the quality assessment instrument with existing personnel and resources. The Division has not identified quantifiable costs associated with the development of this instrument. Further fiscal analysis may be required after the development and testing of this instrument prior to implementation statewide.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910
PREPARED BY: Susan Morgan

APPROVED BY: James D. Johnson



DATE: August 1, 2001

68365 SHIELDS BUSINESS FORMS, RALEIGH, NC 27605

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NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 2

H. B. No. _____ DATE 10/23/01

S. B. No. 178 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Hill
Sen.)

1 moves to amend the bill on page 1, line 25
2 ( ) WHICH CHANGES THE TITLE
3 by deleting "November 1, 2001." and substituting
4 "April 1, 2002."; and
5 on page 2, line 2, by deleting "April 1, 2002."
and substituting "November 1, 2002.".
7
8
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19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 178 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☒ Reported without prejudice, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

10/23/01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
JIM RAND	NC DOT S. WILMINGTON ST.
DON GOINS	N.C.D.O.T.
ELLIS ROSS	NC DOT S. W. Irmington St.
ANN LORE.	DUHS
Rob Schofield	N C Justice Center
Sonny Hearn	SHP
Martha Chase	DOA
JOHN GOODMAN	LINWOOD MERCER & ASSOC.
Ken McElroy	Allen Associates, Inc.
B. Paul Wilms	NCHBA
Gretchen Hawthorne	UNC Chapel Hill
Renee Harris	Thompson Taylor
Bill Welch	NCATA
Leanne Winner	NCSBA
Tony Rand	NCAJAP
Bill Brooks	NCFPC
Cindy Allen	NCRMA
Frank Preston	NCRMA
Gary Mc	CCPS
John K	NCFPC
Michelle Frazier	NC Bar Assoc.
Eddie Caldwell	NC C+F, P.A.
Mary Mc	Bryan + Bryan
David Rob	Bryan + Bryan
Katherine A. Yeomans	ACLU/AFSCME
Roz Sandt	NCCCU
Steve Woodson	NC Farm Bureau
John Pa	AT&T

VISITOR REGISTRATION SHEET

RULES — Name of Committee

10-23-01 — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Crissy Porter	Bone & Associates
[illegible]	SAB
Afua Bastana	EC
Carole Lawler	EGHS
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN
John Bowdish	Alley Associates
[illegible]	[illegible]
Andy Romanet	NCLM
[illegible]	NCASA
[illegible]	NCASA
[illegible]	NLHA
[illegible]	[illegible]
[illegible]	City of Hickory
[illegible]	NAIS
PERRI MORGAN	NFIB
[illegible]	Progress Energy
[illegible]	Bone McAllester
DAN DAWSON	Self
[illegible]	GR
Paul B. Brooks	Professional Engineers of NC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
OCTOBER 24, 2001
11:10 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 798 –SENATE REDISTRICTING – 1C

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

October 24, 2001

The Committee on Rules, Calendar and Operations of the House met on October 24, 2001 at 11:10 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman, Hackney, Vice Chairman; Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McCombs, McMahan, Michaux, Morgan, Rogers, Sherrill, Thompson and Yongue.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 798 – AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS. Erika Churchill, staff attorney, was recognized to describe the materials furnished the members. She stated that the materials included the bill, a statistical package that includes voter registration by district, 2000 general election results by district, district populations by race and ethnicity by district, the proposed ideal versus actual populations by district, the split counties and split precincts and a map. The materials are attached and made a part of the minutes.

Senator Brad Miller, bill sponsor, was recognized to explain the bill. He stated that the map was drawn in accordance with the requirements of law, the first and foremost of which is the requirement of equality of population, one person-one vote. The court has said that if the spread of deviation is within 10% of the largest to the smallest, it will look no further. The Senate has kept all the districts either 5% above or 5% below. The second requirement is the issue of race. They tried to comply with both the Voting Rights Act and with the Supreme Court decision for the last decade that prohibits racial gerrymandering. 40 counties in this state are subject to preclearance which means that the Voting Rights Act had to be taken into consideration with respect to the entire plan. He stated that the first thing they did to comply with the Voting Rights Act was to intimately involve the black caucus in the Senate in developing the plan. In every case where districts were drawn in which race was a consideration, the districts were supported by other traditional districting criteria. They tried to be sure that race was not the predominant consideration, subordinating all traditional districting criteria. Partisanship was also considered, and, finally, the plan was subject to the push and pull of the legislative process. Changes had been made based upon the desire of the members and based upon public comments at public hearings.

Questions were asked and comments made by the members including observations by Representative Jarrell as to the division of Guilford County, especially the split of High Point. Representative Allred complained that to his recollection this is the first time that Alamance County has been divided in the state Senate districts. Representative Cunningham requested that he be furnished a list of the 40 counties

covered by the Voting Rights Act, and Representative Michaux asked for information concerning voting age population by race and voter registration by race. The chairman directed staff to furnish the requested information to Representatives Cunningham and Michaux. The chairman then stated that no further proceedings would be held until the requested information is furnished

There being no further business, the meeting adjourned at 11:45 a.m.

Representative Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 798

Redistricting Committee Substitute Adopted 9/19/01

Short Title: Senate Redistricting - 1C. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-1 is rewritten to read:

"(a) For the purpose of nominating and electing members of the Senate in 2002 and every two years thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts so that each District elects one Senator, except that Districts 13, 16, 17, and 28 each elects two Senators, and the composition of each district is as follows:

District 1: Camden County, Chowan County, Currituck County, Dare County, Hyde County, Pasquotank County, Perquimans County, Tyrrell County, Washington County, Beaufort County: Precinct HUNTERS BRIDGE, Precinct BELHAVEN, Precinct NORTH CREEK, Precinct OLD FORD, Precinct RIVER ROAD, Precinct TRANTERS CREEK, Precinct WOODARDS POND, Precinct BEAVER DAM, Precinct PANTEGO, Precinct PINETOWN, Precinct SURRY BATH, Precinct WASHINGTON PARK.

District 2: Bertie County, Gates County, Hertford County, Northampton County, Warren County, Granville County: Precinct ANTIOCH, Precinct SALEM, Precinct SASSAFRAS FORK, Precinct WEST OXFORD ELEMENTARY; Halifax County: Precinct BUTTERWOOD, Precinct CONOCONNARA, Precinct HALIFAX, Precinct HOBGOOD, Precinct PALMYRA, Precinct ROSENEATH, Precinct SCOTLAND NECK 1, Precinct SCOTLAND NECK 2, Precinct ENFIELD 1, Precinct ENFIELD 2, Precinct ENFIELD 3, Precinct LITTLETON 1, Precinct LITTLETON 2, Precinct RINGWOOD, Precinct WELDON 1, Precinct WELDON 2, Precinct WELDON 3; Martin County: Precinct JAMESVILLE, Precinct WILLIAMS, Precinct BEARGRASS, Precinct GRIFFINS, Precinct WILLIAMSTON 1, Precinct WILLIAMSTON 2; Vance County: Precinct MIDDLEBURG, Precinct TOWNSVILLE, Precinct WILLIAMSBORO.

District 3: Craven County, Pamlico County, Beaufort County: Precinct BLOUNTS CREEK, Precinct AURORA, Precinct CHOCOWINITY, Precinct EDWARD, Precinct PS JONES WARD 3, Precinct WASHINGTON WARD 1, Precinct WASHINGTON WARD 2, Precinct WASHINGTON WARD 4, Precinct GILEAD; Carteret County: Precinct ATLANTIC, Precinct BETTIE, Precinct BEAUFORT 1, Precinct BEAUFORT 2, Precinct CEDAR ISLAND, Precinct MERRIMON, Precinct MOREHEAD 1, Precinct NORTH RIVER; Jones County: Precinct POLLOCKSVILLE, Precinct TRENTON, Precinct WHITE OAK; Pitt County: Precinct 11.01, Precinct 15.09, Precinct 11.02A, Precinct 11.02B, Precinct 15.07A: Tract 2: Block Group 2: Block 2013, Block 2014, Block 2015, Block 2016; Block Group 3: Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3021, Block 3022, Block 3023, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Precinct 15.07C, Precinct 15.08A, Precinct 15.08B: Tract 1: Block Group 1: Block 1000, Block 1999; Tract 2: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2017, Block 2018, Block 2019; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3019, Block 3020, Block 3024.

District 4: Carteret County: Precinct PINE KNOLL SHORES, Precinct ATLANTIC BEACH, Precinct BOGUE, Precinct BROAD CREEK, Precinct CEDAR POINT, Precinct DAVIS, Precinct EMERALD ISLE, Precinct HARKERS ISLAND, Precinct HARLOWE, Precinct INDIAN BEACH, Precinct MILL CREEK, Precinct MOREHEAD 2, Precinct MOREHEAD 3, Precinct MOREHEAD 4, Precinct NEWPORT 1, Precinct NEWPORT 2, Precinct PELETIER, Precinct SEALEVEL, Precinct SALTER PATH, Precinct STACY, Precinct STELLA, Precinct WILDWOOD, Precinct WILLISTON, Precinct WIREGRASS, Precinct CAPE CARTERET, Precinct MARSHALLBERG, Precinct OTWAY STRAITS CRU, Precinct SMYRNA; New Hanover County: Precinct WRIGHTSVILLE BEACH, Precinct HARNETT 1, Precinct HARNETT 2, Precinct HARNETT 3, Precinct HARNETT 4, Precinct HARNETT 5, Precinct HARNETT 6, Precinct HARNETT 8, Precinct HARNETT 9, Precinct MASONBORO 2, Precinct MASONBORO 4, Precinct MASONBORO 5, Precinct WILMINGTON 11, Precinct WILMINGTON 14, Precinct WILMINGTON 16: Tract 120.03: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1010, Block 1011, Block 1012, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026; Block Group 2: Block 2000, Block 2001; Block Group 3: Block 3000; Precinct WILMINGTON 17, Precinct WILMINGTON 18, Precinct FEDERAL POINT 1, Precinct FEDERAL POINT 2, Precinct FEDERAL POINT 3, Precinct FEDERAL POINT 4, Precinct FEDERAL POINT 5; Onslow County: Precinct BEAR CREEK, Precinct FOLKSTONE, Precinct HOLLY RIDGE, Precinct HUBERT, Precinct MORTONS, Precinct SNEADS FERRY, Precinct SWANSBORO, Precinct VERONA, Precinct Voting Districts not defined:

Tract 0: Block Group 0: Block 0997, Block 0998; Tract 1.01: Block Group 3: Block 3995, Block 3996, Block 3997, Block 3998; Tract 4: Block Group 1: Block 1992, Block 1993, Block 1995, Block 1997, Block 1999; Block Group 2: Block 2020, Block 2997; Block Group 5: Block 5003, Block 5996, Block 5997, Block 5998; Tract 5: Block Group 1: Block 1001, Block 1002, Block 1006, Block 1007, Block 1008, Block 1011, Block 1014, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1024, Block 1987, Block 1988, Block 1989, Block 1991, Block 1992, Block 1993, Block 1995, Block 1996, Block 1997, Block 1998; Pender County: Precinct LOWER TOPSAIL, Precinct SURF CITY, Precinct SCOTTS HILL, Precinct UPPER TOPSAIL.

District 5: Duplin County, Jones County: Precinct BEAVER CREEK, Precinct CYPRESS CREEK, Precinct CHINQUAPIN, Precinct TUCKAHOE; Lenoir County: Precinct NEUSE, Precinct FALLING CREEK, Precinct SAND HILL, Precinct SOUTHWEST; Onslow County: Precinct BRYNN MARR, Precinct CATHERINES LAKE, Precinct EAST NORTHWOODS, Precinct GUM BRANCH, Precinct HALF MOON, Precinct MILLS, Precinct NINE MILE, Precinct RICHLANDS, Precinct TAR LANDING, Precinct WEST NORTHWOODS, Precinct Voting Districts not defined: Tract 1.03: Block Group 1: Block 1029, Block 1030, Block 1032, Block 1043, Block 1044, Block 1052; Block Group 2: Block 2011, Block 2012; Tract 2: Block Group 6: Block 6001, Block 6003, Block 6006, Block 6007, Block 6009; Pender County: Precinct LOWER UNION, Precinct PENDERLEA, Precinct UPPER UNION; Sampson County: Precinct CENTRAL CLINTON, Precinct EAST CLINTON, Precinct NORTHEAST CLINTON, Precinct SOUTHWEST CLINTON, Precinct WEST CLINTON, Precinct GARLAND, Precinct HARRELLS, Precinct INGOLD, Precinct KEENER, Precinct KITTY FORK, Precinct ROWAN, Precinct SALEMBURG, Precinct TURKEY.

District 6: Wake County: Precinct 01-11, Precinct 01-18, Precinct 01-19, Precinct 01-20, Precinct 01-22, Precinct 01-25, Precinct 01-26, Precinct 01-34, Precinct 01-35, Precinct 01-36, Precinct 01-38, Precinct 01-40, Precinct 01-43, Precinct 01-44, Precinct 01-46, Precinct 01-51, Precinct 09-01, Precinct 09-02, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-02: Tract 540.10: Block Group 1: Block 1046, Block 1047, Block 1050, Block 1052, Block 1053, Block 1056, Block 1057, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1997, Block 1998, Block 1999; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-03, Precinct 16-01, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07.

District 7: New Hanover County: Precinct HARNETT 7, Precinct WILMINGTON 1, Precinct WILMINGTON 2, Precinct WILMINGTON 3, Precinct WILMINGTON 4, Precinct WILMINGTON 6, Precinct WILMINGTON 7, Precinct WILMINGTON 8, Precinct WILMINGTON 9, Precinct WILMINGTON 10, Precinct WILMINGTON 12, Precinct WILMINGTON 13, Precinct WILMINGTON 15, Precinct WILMINGTON 22, Precinct WILMINGTON 23, Precinct WILMINGTON 24, Precinct CAPE FEAR 1, Precinct CAPE FEAR 2, Precinct CAPE FEAR 3; Onslow County: Precinct CROSS ROADS, Precinct HAWS RUN, Precinct JACKSONVILLE, Precinct NORTHEAST, Precinct NEW RIVER, Precinct Voting Districts not defined: Tract 3: Block Group 3: Block 3026, Block 3027; Tract 5: Block Group 1: Block 1012, Block 1013, Block 1994; Tract 6: Block Group 1: Block 1003, Block 1997; Tract 7: Block Group 1: Block 1998; Tract 9: Block Group 1: Block 1003, Block 1995, Block 1996, Block 1997; Tract 10: Block Group 1: Block 1003, Block 1999; Tract 18: Block Group 2: Block 2995; Pender County: Precinct COLUMBIA, Precinct CASWELL, Precinct CANETUCK, Precinct GRADY, Precinct LONG CREEK, Precinct MIDDLE HOLLY, Precinct NORTH BURGAW, Precinct ROCKY POINT, Precinct SOUTH BURGAW, Precinct UPPER HOLLY.

District 8: Greene County, Wayne County, Lenoir County: Precinct INSTITUTE, Precinct VANCE, Precinct WOODINGTON, Precinct KINSTON 3, Precinct KINSTON 4, Precinct KINSTON 5, Precinct KINSTON 9, Precinct MOSELEY HALL, Precinct TRENT 1, Precinct TRENT 2, Precinct PINK HILL 1, Precinct PINK HILL 2.

District 9: Edgecombe County: Precinct 1-1, Precinct 1-2, Precinct 2-1, Precinct 3-1, Precinct 4-1, Precinct 5-1, Precinct 6-1, Precinct 7-1, Precinct 12-1, Precinct 12-2, Precinct 12-4, Precinct 12-5; Lenoir County: Precinct CONTENTNEA, Precinct KINSTON 1, Precinct KINSTON 2, Precinct KINSTON 6, Precinct KINSTON 7, Precinct KINSTON 8; Martin County: Precinct CROSS ROADS, Precinct GOOSE NEST, Precinct HAMILTON, Precinct HASSELL, Precinct POPLAR POINT, Precinct ROBERSONVILLE 1, Precinct ROBERSONVILLE 2; Nash County: Precinct ROCKY MOUNT 1, Precinct ROCKY MOUNT 2, Precinct ROCKY MOUNT 3, Precinct ROCKY MOUNT 4; Pitt County: Precinct 3.01, Precinct 4.01, Precinct 5.01, Precinct 6.01, Precinct 10.01, Precinct 12.01, Precinct 13.01, Precinct 14.02, Precinct 15.01, Precinct 15.03, Precinct 15.04, Precinct 15.06, Precinct 2.00B, Precinct 15.05A, Precinct 15.05B, Precinct 15.07A: Tract 1: Block Group 3: Block 3049, Block 3068, Block 3069; Tract 4: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018; Precinct 15.07B, Precinct 15.08B: Tract 2: Block Group 2: Block 2000, Block 2001, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2998; Precinct 15.10A, Precinct 15.10B, Precinct 15.11A, Precinct 15.11B, Precinct 15.12B.

District 10: Edgecombe County: Precinct 1-3, Precinct 1-4, Precinct 8-1, Precinct 9-1, Precinct 10-1, Precinct 11-1, Precinct 12-3, Precinct 13-1, Precinct 14-1; Halifax

County: Precinct HOLLISTER, Precinct ROANOKE RAPIDS 11, Precinct ROANOKE RAPIDS 2, Precinct ROANOKE RAPIDS 3, Precinct ROANOKE RAPIDS 4, Precinct ROANOKE RAPIDS 5, Precinct ROANOKE RAPIDS 6, Precinct ROANOKE RAPIDS 7, Precinct ROANOKE RAPIDS 8, Precinct ROANOKE RAPIDS 9, Precinct ROANOKE RAPIDS 10, Precinct ROANOKE RAPIDS 11, Precinct FAUCETT; Nash County: Precinct STONY CREEK, Precinct ROCKY MOUNT 5, Precinct ROCKY MOUNT 6, Precinct ROCKY MOUNT 7, Precinct ROCKY MOUNT 8, Precinct ROCKY MOUNT 9, Precinct NASHVILLE, Precinct ROCKY MOUNT 10, Precinct GRIFFINS, Precinct MANNINGS 1, Precinct MANNINGS 2, Precinct SOUTH WHITAKERS, Precinct CASTALIA, Precinct COOPERS, Precinct NORTH WHITAKERS 1, Precinct NORTH WHITAKERS 2, Precinct OAK LEVEL, Precinct RED OAK; Pitt County: Precinct 1.01, Precinct 7.01, Precinct 9.01, Precinct 2.00A, Precinct 8.00A, Precinct 8.00B, Precinct 14.03A, Precinct 14.03B, Precinct 15.12A; Wilson County: Precinct GARDNERS, Precinct SARATOGA, Precinct STANTONSBURG, Precinct TOISNOT, Precinct WILSON A, Precinct WILSON D, Precinct WILSON E, Precinct WILSON F, Precinct WILSON G, Precinct WILSON N.

District 11: Franklin County: Precinct TOWN OF LOUISBURG, Precinct LOUISBURG, Precinct WEST FRANKLINTON, Precinct DUNN, Precinct CYPRESS CREEK, Precinct CEDAR ROCK, Precinct GOLD MINE, Precinct SANDY CREEK, Precinct HAYESVILLE, Precinct PILOT, Precinct EAST FRANKLINTON; Johnston County: Precinct NORTH BEULAH, Precinct SOUTH BEULAH, Precinct MICRO, Precinct NORTH O'NEALS, Precinct SOUTH O'NEALS, Precinct EAST SELMA, Precinct WEST SELMA, Precinct EAST SMITHFIELD, Precinct NORTH SMITHFIELD, Precinct SOUTH SMITHFIELD, Precinct WILSON'S MILLS; Nash County: Precinct JACKSONS, Precinct BAILEY, Precinct DRYWELLS, Precinct FERRELLS; Vance County: Precinct EAST HENDERSON 1, Precinct EAST HENDERSON 2, Precinct NORTH HENDERSON 1, Precinct NORTH HENDERSON 2, Precinct SOUTH HENDERSON 1, Precinct SOUTH HENDERSON 2, Precinct WEST HENDERSON 1, Precinct WEST HENDERSON 2, Precinct DABNEY, Precinct HILLTOP, Precinct KITTRELL, Precinct SANDY SCREEK, Precinct WATKINS; Wilson County: Precinct BLACK CREEK, Precinct CROSSROADS, Precinct OLD FIELDS, Precinct SPRINGHILL, Precinct TAYLORS, Precinct WILSON B, Precinct WILSON C, Precinct WILSON H, Precinct WILSON I, Precinct WILSON J, Precinct WILSON K, Precinct WILSON L, Precinct WILSON M, Precinct WILSON P, Precinct WILSON Q.

District 12: Alleghany County, Ashe County, Surry County, Watauga County, Avery County: Precinct Banner Elk, Precinct Beech Mountain, Precinct Cranberry, Precinct Elk Park, Precinct Frank, Precinct Heaton, Precinct Hughes, Precinct Linville, Precinct Minneapolis, Precinct Montezuma, Precinct Newland 1, Precinct Newland 2, Precinct Plumtree, Precinct Pyatte, Precinct Roaring Creek.

District 13: Durham County, Granville County: Precinct BEREA, Precinct BRASSFIELD, Precinct BUTNER, Precinct CORINTH, Precinct CREDLE, Precinct CREEDMOOR, Precinct EAST OXFORD, Precinct OAK HILL, Precinct SOUTH OXFORD, Precinct TALLY HO; Wake County: Precinct 03-00, Precinct 04-08, Precinct 04-09, Precinct 04-13, Precinct 04-15, Precinct 04-17, Precinct 06-01, Precinct 12-03, Precinct 20-01, Precinct 20-02, Precinct 20-04, Precinct 20-06, Precinct 20-10.

District 14: Wake County: Precinct 01-01, Precinct 01-02, Precinct 01-03, Precinct 01-04, Precinct 01-05, Precinct 01-06, Precinct 01-07, Precinct 01-09, Precinct 01-10, Precinct 01-12, Precinct 01-13, Precinct 01-14, Precinct 01-15, Precinct 01-16, Precinct 01-17, Precinct 01-21, Precinct 01-23, Precinct 01-27, Precinct 01-28, Precinct 01-29, Precinct 01-30, Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-37, Precinct 01-39, Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04, Precinct 04-05, Precinct 04-11, Precinct 04-18, Precinct 07-01, Precinct 07-09, Precinct 11-01, Precinct 11-02, Precinct 16-02, Precinct 16-03, Precinct 16-04, Precinct 16-06, Precinct 16-07, Precinct 18-01, Precinct 18-06.

District 15: Harnett County: Precinct ANDERSON CREEK, Precinct AVERASBORO 1, Precinct AVERASBORO 2, Precinct AVERASBORO 3, Precinct AVERASBORO 4, Precinct AVERASBORO 5, Precinct BARBECUE, Precinct BLACK RIVER, Precinct DUKE1, Precinct DUKE2, Precinct DUKE3, Precinct GROVE 1, Precinct GROVE 2, Precinct JOHNSONVILLE, Precinct LILLINGTON, Precinct NEILLS CREEK 1, Precinct NEILLS CREEK 2, Precinct STEWARTS CREEK, Precinct UPPER LITTLE RIVER 1, Precinct UPPER LITTLE RIVER 2; Johnston County: Precinct SOUTH BANNER, Precinct WEST BANNER, Precinct BENTONVILLE, Precinct NORTH BOON HILL, Precinct SOUTH BOON HILL, Precinct EAST INGRAMS, Precinct WEST INGRAMS, Precinct NORTH MEADOW, Precinct SOUTH MEADOW, Precinct PINE LEVEL; Lee County: Precinct CAPE FEAR, Precinct DEEP RIVER, Precinct EAST JONESBORO, Precinct WEST JONESBORO, Precinct EAST SANFORD, Precinct WEST SANFORD 1, Precinct WEST SANFORD 2, Precinct WEST SANFORD 3; Sampson County: Precinct GIDDENSVILLE, Precinct NEWTON GROVE, Precinct WESTBROOK.

District 16: Chatham County, Orange County, Alamance County: Precinct MORTON, Precinct FAUCETTE, Precinct PLEASANT GROVE, Precinct HAW RIVER, Precinct BOONE 5, Precinct CENTRAL BOONE, Precinct NORTH BOONE, Precinct WEST BOONE, Precinct GRAHAM 3, Precinct GRAHAM 4, Precinct EAST GRAHAM, Precinct NORTH GRAHAM, Precinct SOUTH GRAHAM, Precinct WEST GRAHAM, Precinct NORTH THOMPSON, Precinct SOUTH THOMPSON, Precinct MELVILLE 3, Precinct NORTH MELVILLE, Precinct SOUTH MELVILLE, Precinct BURLINGTON 4, Precinct BURLINGTON 5, Precinct BURLINGTON 6, Precinct BURLINGTON 7, Precinct BURLINGTON 8, Precinct BURLINGTON 9, Precinct EAST BURLINGTON, Precinct NORTH BURLINGTON, Precinct SOUTH BURLINGTON, Precinct WEST BURLINGTON, Precinct BURLINGTON 10; Lee County: Precinct EAST POCKET, Precinct GREENWOOD, Precinct WEST

POCKET, Precinct CUMNOCK; Moore County: Precinct BENSALEM, Precinct CAMERON, Precinct CARTHAGE, Precinct EUREKA, Precinct ROBBINS, Precinct VASS, Precinct WEST MOORE, Precinct D-H-R.

District 17: Anson County, Montgomery County, Richmond County, Scotland County, Hoke County: Precinct ALLENDALE, Precinct BLUE SPRINGS, Precinct BUCHAN, Precinct McCAIN, Precinct RAEFORD 1, Precinct RAEFORD 2, Precinct RAEFORD 3, Precinct RAEFORD 4, Precinct RAEFORD 5; Moore County: Precinct EAST ABERDEEN, Precinct EASTWOOD, Precinct PINEBLUFF, Precinct PINEDENE, Precinct SEVEN LAKES, Precinct SOUTH SOUTHERN PINES, Precinct TAYLORTOWN, Precinct WEST ABERDEEN, Precinct WEST END; Stanly County: Precinct Albemarle 1, Precinct Albemarle 2, Precinct Albemarle 6, Precinct Albemarle 7, Precinct Albemarle 8, Precinct East Albemarle, Precinct East Center, Precinct North Albemarle, Precinct New London, Precinct South Albemarle, Precinct West Center, Precinct Albemarle 10, Precinct Albemarle 11, Precinct Big Lick 1, Precinct Ridenhour, Precinct Palmerville, Precinct Richfield, Precinct Badin, Precinct Tyson; Union County: Precinct 01, Precinct 02, Precinct 03, Precinct 04, Precinct 05, Precinct 06, Precinct 07, Precinct 08, Precinct 09, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 16, Precinct 21, Precinct 23, Precinct 24, Precinct 25, Precinct 26, Precinct 27, Precinct 29, Precinct 30, Precinct 32, Precinct 34, Precinct 35, Precinct 36, Precinct 38, Precinct 39, Precinct 42, Precinct 43.

District 18: Brunswick County, Columbus County, Bladen County: Precinct ABBOTTS, Precinct BETHEL, Precinct BROWN MARSH, Precinct CARVERS CREEK, Precinct FRENCHES CREEK, Precinct WHITES CREEK, Precinct BLADENBORO 1, Precinct BLADENBORO 2, Precinct ELIZABETHTOWN 1, Precinct ELIZABETHTOWN 2; New Hanover County: Precinct MASONBORO 3, Precinct WILMINGTON 5, Precinct WILMINGTON 16: Tract 120.03: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1027; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2051, Block 2052; Precinct WILMINGTON 19, Precinct WILMINGTON 20, Precinct WILMINGTON 21.

District 19: Davidson County: Precinct ABBOTTS CREEK, Precinct ARCADIA, Precinct GUMTREE, Precinct LEXINGTON 3, Precinct MIDWAY, Precinct NORTH DAVIDSON, Precinct REEDS YADKIN COLLEGE, Precinct REEDY CREEK, Precinct THOMASVILLE 8, Precinct TYRO, Precinct WALLBURG, Precinct WELCOME, Precinct WEST ARCADIA; Forsyth County: Precinct 011, Precinct 012, Precinct 015, Precinct 042, Precinct 043, Precinct 506; Guilford County: Precinct HP, Precinct Center Grove 1, Precinct Center Grove 2, Precinct Friendship 2, Precinct Friendship 3, Precinct Friendship 4, Precinct Friendship 5, Precinct Greensboro 27, Precinct Greensboro 30, Precinct Greensboro 32, Precinct Greensboro 33, Precinct Greensboro 34, Precinct Greensboro 39, Precinct Greensboro 64, Precinct High Point

13, Precinct High Point 14, Precinct High Point 15, Precinct High Point 16, Precinct High Point 21, Precinct High Point 22, Precinct High Point 23, Precinct High Point 24, Precinct High Point 25, Precinct High Point 26, Precinct High Point 27, Precinct Oak Ridge 1, Precinct Oak Ridge 2, Precinct Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3, Precinct Summerfield 4, Precinct Greensboro 40A, Precinct Greensboro 40B, Precinct North Center Grove, Precinct North Deep River, Precinct South Deep River, Precinct Stokesdale.

District 20: Forsyth County: Precinct 063, Precinct 064, Precinct 065, Precinct 081, Precinct 082, Precinct 083, Precinct 201, Precinct 203, Precinct 204, Precinct 205, Precinct 206, Precinct 207, Precinct 301, Precinct 302, Precinct 303, Precinct 304, Precinct 305, Precinct 306, Precinct 401, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 501, Precinct 502, Precinct 503, Precinct 504, Precinct 505, Precinct 507, Precinct 601, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 701, Precinct 702, Precinct 703, Precinct 704, Precinct 705, Precinct 706, Precinct 707, Precinct 803, Precinct 805, Precinct 806, Precinct 807, Precinct 808, Precinct 901, Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 907, Precinct 908.

District 21: Alamance County: Precinct PATTERSON, Precinct COBLE, Precinct ALBRIGHT, Precinct SOUTH BOONE, Precinct NORTH NEWLIN, Precinct SOUTH NEWLIN; Guilford County: Precinct Greene, Precinct Pleasant Garden 2, Precinct Jamestown 5, Precinct Sumner 4, Precinct North Clay, Precinct South Clay; Randolph County: Precinct ARCHDALE 1, Precinct ARCHDALE 2, Precinct ARCHDALE 3, Precinct ASHEBORO ARMORY, Precinct ASHEBORO EASTSIDE, Precinct ASHEBORO LINDLEY PARK, Precinct ASHEBORO LOFLIN, Precinct ASHEBORO McCRARY, Precinct ASHEBORO NORTH 1, Precinct ASHEBORO NORTH 2, Precinct ASHEBORO SOUTHPOINTE, Precinct ASHEBORO WESTSIDE, Precinct BACK CREEK, Precinct BROWER, Precinct CEDAR GROVE EAST, Precinct CEDAR GROVE WEST, Precinct COLERIDGE, Precinct FALLS, Precinct FRANKLINVILLE, Precinct GRANT, Precinct LEVEL CROSS, Precinct LIBERTY, Precinct NEW MARKET NORTH, Precinct NEW MARKET SOUTH, Precinct PLEASANT GROVE, Precinct PROSPECT, Precinct PROVIDENCE 1, Precinct PROVIDENCE 2, Precinct RAMSEUR, Precinct RANDLEMAN EAST, Precinct RANDLEMAN WEST, Precinct RICHLAND, Precinct STALEY, Precinct TABERNACLE, Precinct TRINITY EAST, Precinct TRINITY TABERNACLE, Precinct TRINITY WEST, Precinct UNION.

District 22: Cabarrus County: Precinct 0101, Precinct 0102, Precinct 0103, Precinct 0104, Precinct 0201, Precinct 0202, Precinct 0203, Precinct 0204, Precinct 0205, Precinct 0206, Precinct 0207, Precinct 0300, Precinct 0401, Precinct 0405, Precinct 0406, Precinct 0407, Precinct 0408, Precinct 0409, Precinct 0410, Precinct 1000, Precinct 1101, Precinct 1102, Precinct 1201, Precinct 1202, Precinct 1203, Precinct 1204, Precinct 1205, Precinct 1206, Precinct 1207, Precinct 1208, Precinct 1209, Precinct 1210, Precinct 1211, Precinct 1212; Mecklenburg County: Precinct 127,

Precinct 128, Precinct 234, Precinct 235, Precinct 236, Precinct 238, Precinct 239, Precinct 241, Precinct 201, Precinct 202, Precinct 206, Precinct 219, Precinct 221.

District 23: Davidson County: Precinct BOONE, Precinct CENTRAL, Precinct COTTON GROVE, Precinct LEXINGTON 1, Precinct LEXINGTON 2, Precinct LEXINGTON 4, Precinct WARD 1, Precinct WARD 2, Precinct WARD 3, Precinct WARD 4, Precinct WARD 5, Precinct WARD 6, Precinct SILVER HILL, Precinct SOUTHMONT, Precinct THOMASVILLE 2, Precinct THOMASVILLE 3, Precinct THOMASVILLE 7; Iredell County: Precinct Barringer, Precinct Coddle Creek 2, Precinct Chambersburg, Precinct Cool Springs, Precinct Statesville 1, Precinct Statesville 2, Precinct Statesville 3, Precinct Statesville 4, Precinct Statesville 5, Precinct Statesville 6, Precinct Turnersburg; Rowan County: Precinct Cleveland, Precinct Franklin, Precinct Milford Hills County, Precinct East Spencer, Precinct Scotch Irish, Precinct Spencer, Precinct Unity, Precinct West Ward II, Precinct West Ward I, Precinct South Ward, Precinct North Ward I, Precinct East Ward I, Precinct West Innes, Precinct North Ward II, Precinct Milford Hills City, Precinct West Ward III, Precinct East Ward II.

District 24: Bladen County: Precinct CENTRAL, Precinct COLLY, Precinct CYPRESS CREEK, Precinct HOLLOW, Precinct LAKE CREEK, Precinct TURNBULL, Precinct WHITE OAK; Cumberland County: Precinct CROSS CREEK 1, Precinct CROSS CREEK 2, Precinct CROSS CREEK 7, Precinct CROSS CREEK 8, Precinct CROSS CREEK 9, Precinct CUMBERLAND 2, Precinct CUMBERLAND 3, Precinct HOPE MILLS 2, Precinct PEARCES MILL 2, Precinct PEARCES MILL 3, Precinct PEARCES MILL 4, Precinct ALDERMAN, Precinct ARRAN HILLS, Precinct BEAVER DAM, Precinct CROSS CREEK 10, Precinct CROSS CREEK 11, Precinct CROSS CREEK 12, Precinct CROSS CREEK 14, Precinct CROSS CREEK 15, Precinct CROSS CREEK 18, Precinct CROSS CREEK 20, Precinct CROSS CREEK 21, Precinct CROSS CREEK 22, Precinct CROSS CREEK 24, Precinct CROSS CREEK 26, Precinct CROSS CREEK 29, Precinct CROSS CREEK 30, Precinct CROSS CREEK 31, Precinct CROSS CREEK 34, Precinct CEDAR CREEK, Precinct EASTOVER, Precinct JUDSON/VANDER, Precinct SHERWOOD, Precinct STEDMAN, Precinct WADE; Robeson County: Precinct PARKTON, Precinct NORTH ST PAULS, Precinct SOUTH ST PAULS; Sampson County: Precinct AUTRYVILLE, Precinct CLEMENT, Precinct HERRING, Precinct LAKEWOOD, Precinct ROSEBORO.

District 25: Cleveland County: Precinct Shelby 4, Precinct Shelby 5, Precinct Shelby 8: Tract 9502: Block Group 3: Block 3041; Tract 9508: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2008, Block 2009, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2039, Block 2040; Tract 9509: Block Group 1: Block 1003, Block 1004; Precinct Waco, Precinct Fallston, Precinct Lawndale; Gaston County: Precinct York Chester, Precinct Victory, Precinct Pleasant Ridge, Precinct Health Center, Precinct Myrtle, Precinct Highland,

Precinct Wood Hill, Precinct Grier, Precinct Sherwood, Precinct Armstrong, Precinct Flint Grove, Precinct Ranlo, Precinct Gardner Park, Precinct Robinson 1, Precinct Robinson 2, Precinct Ashbrook, Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Lowell, Precinct Tryon, Precinct Landers Chapel, Precinct Cherryville 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct High Shoals, Precinct Dallas 1, Precinct Dallas 2; Lincoln County: Precinct Boger City, Precinct Crouse, Precinct Daniels/Vale, Precinct Hickory Grove, Precinct Heavners, Precinct Lithia, Precinct Love Memorial, Precinct Lincolnton North, Precinct Lincolnton South, Precinct Long Shoals, Precinct North Brook I/II, Precinct Salem.

District 26: Catawba County, Iredell County: Precinct Fallstown, Precinct Shiloh; Lincoln County: Precinct Asbury, Precinct Buffalo Shoals, Precinct North Brook III, Precinct Pumpkin Center.

District 27: Davie County, Wilkes County, Yadkin County, Iredell County: Precinct Bethany, Precinct Concord, Precinct Eagle Mills, Precinct New Hope, Precinct Olin, Precinct Sharpesburg, Precinct Union Grove.

District 28: Madison County, Yancey County, Buncombe County: Precinct Asheville 1, Precinct Asheville 2, Precinct Asheville 3, Precinct Asheville 4, Precinct Asheville 5, Precinct Asheville 6, Precinct Asheville 7, Precinct Asheville 8, Precinct Asheville 9, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 12, Precinct Asheville 13, Precinct Asheville 14, Precinct Asheville 15, Precinct Asheville 16, Precinct Asheville 17, Precinct Asheville 20, Precinct Asheville 21, Precinct Asheville 22, Precinct Asheville 23, Precinct Asheville 24, Precinct Asheville 25, Precinct Averys Creek (30), Precinct Black Mountain 1 (32), Precinct Black Mountain 2 (33), Precinct Black Mountain 3 (34), Precinct Black Mountain 5 (36), Precinct Flat Creek (40), Precinct French Broad (41), Precinct Hazel 1 (42), Precinct Hazel 2 (43), Precinct Lower Hominy 1 (44), Precinct Lower Hominy 2 (45), Precinct Lower Hominy 3 (46), Precinct Upper Hominy 2 (48), Precinct Leicester 1 (52), Precinct Limestone 1 (54), Precinct Limestone 3 (56), Precinct North Buncombe (58), Precinct Reems Creek (59), Precinct Reynolds (60), Precinct Swannanoa 1 (64), Precinct Weaverville (67), Precinct West Buncombe 1 (68, 681), Precinct West Buncombe 2 (69), Precinct Woodfin (70), Precinct Woodland Hills (71), Precinct Asheville 28, Precinct Asheville 27, Precinct Black Mountain 4 (35), Precinct Upper Hominy CRU (47, 49), Precinct Ivy CRU (50, 51), Precinct Leicester Sandy Mush CRU (63, 53), Precinct Riceville Swannanoa CRU 2 (62, 66), Precinct Riceville Swannanoa 2 CRU (61, 65); Burke County: Precinct Drexel 1, Precinct Jonas Ridge, Precinct Linville 1, Precinct Linville 2, Precinct Lower Creek, Precinct Morganton 1, Precinct Morganton 4, Precinct Morganton 5, Precinct Morganton 6, Precinct Morganton 7, Precinct Morganton 8, Precinct Morganton 9, Precinct Morganton 10, Precinct Quaker Meadows 1, Precinct Quaker Meadows 2, Precinct Silver Creek 1, Precinct Silver Creek 2, Precinct Silver Creek 3, Precinct Upper Creek; McDowell County: Precinct Marion 1, Precinct Marion 2, Precinct Marion 3, Precinct Marion 4, Precinct Marion 5, Precinct Pleasant Gardens,

Precinct West Marion, Precinct Dysartsville, Precinct Higgins, Precinct Nebo, Precinct Old Fort 1, Precinct Old Fort 2.

District 29: Cherokee County, Graham County, Swain County, Clay County: Precinct Brasstown, Precinct Hayesville 1, Precinct Hayesville Central, Precinct Tusquittee; Haywood County: Precinct Allens Creek, Precinct Big Creek, Precinct Crabtree, Precinct Center Waynesville, Precinct East Fork, Precinct East Waynesville, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Pigeon, Precinct Saunook, Precinct White Oak, Precinct West Waynesville, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 7, Precinct Center Pigeon, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct North Clyde, Precinct South Clyde, Precinct South Waynesville 1, Precinct South Waynesville 2, Precinct Beaverdam 5-6; Jackson County: Precinct Barkers Creek, Precinct Canada, Precinct Caney Fork, Precinct Cullowhee, Precinct Dillsboro, Precinct Greens Creek, Precinct Qualla, Precinct River, Precinct Savannah, Precinct Sylva North Ward, Precinct Sylva South Ward, Precinct Webster, Precinct Scotts Creek CRU; Macon County: Precinct North Franklin, Precinct South Franklin: Tract 9703: Block Group 2: Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029; Block Group 6: Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6006, Block 6007, Block 6008, Block 6009, Block 6036, Block 6037, Block 6038, Block 6039, Block 6040; Block Group 7: Block 7035, Block 7036, Block 7037, Block 7038, Block 7040; Tract 9706: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003; Tract 9707: Block Group 1: Block 1027; Precinct East Franklin, Precinct Iotla, Precinct Union, Precinct Cowee; Transylvania County: Precinct Brevard 1, Precinct Brevard 2, Precinct Brevard 3, Precinct Brevard 4, Precinct Boyd, Precinct Pisgah Forest.

District 30: Cumberland County: Precinct HOPE MILLS 1, Precinct HOPE MILLS 3, Precinct STONEY POINT; Hoke County: Precinct ANTIOCH, Precinct PUPPY CREEK, Precinct ROCKFISH, Precinct STONEWALL, Precinct Voting Districts not defined; Moore County: Precinct KNOLLWOOD, Precinct LITTLE RIVER, Precinct NORTH SOUTHERN PINES, Precinct PINEHURST A, Precinct PINEHURST B, Precinct PINEHURST C; Robeson County: Precinct ALFORDSVILLE, Precinct BLACK SWAMP, Precinct BRITTS, Precinct BURNT SWAMP, Precinct FAIRMONT 1, Precinct FAIRMONT 2, Precinct GADDY, Precinct EAST HOWELLSVILLE, Precinct WEST HOWELLSVILLE, Precinct LUMBER BRIDGE, Precinct LUMBERTON 1, Precinct LUMBERTON 2, Precinct LUMBERTON 3, Precinct LUMBERTON 4, Precinct LUMBERTON 5, Precinct LUMBERTON 6, Precinct LUMBERTON 7, Precinct LUMBERTON 8, Precinct MAXTON, Precinct ORRUM,

Precinct NORTH PEMBROKE, Precinct SOUTH PEMBROKE, Precinct PHILADEPLUS, Precinct RAFT SWAMP, Precinct RED SPRINGS 1, Precinct RED SPRINGS 2, Precinct RENNERT, Precinct ROWLAND, Precinct SADDLETREE, Precinct SHANNON, Precinct OXENDINE, Precinct PROSPECT, Precinct SMYRNA, Precinct STERLINGS, Precinct THOMPSON, Precinct UNION, Precinct WHITEHOUSE, Precinct WISHARTS.

District 31: Guilford County: Precinct Greensboro 3, Precinct Greensboro 4, Precinct Greensboro 5, Precinct Greensboro 6, Precinct Greensboro 46, Precinct Greensboro 52, Precinct Greensboro 53, Precinct Greensboro 54, Precinct Greensboro 55, Precinct Greensboro 65, Precinct Greensboro 66, Precinct Greensboro 67, Precinct Greensboro 68, Precinct Greensboro 69, Precinct Greensboro 70, Precinct Greensboro 71, Precinct Greensboro 72, Precinct Greensboro 73, Precinct Greensboro 74, Precinct Greensboro 75, Precinct Gibsonville, Precinct High Point 1, Precinct High Point 2, Precinct High Point 3, Precinct High Point 4, Precinct High Point 5, Precinct High Point 6, Precinct High Point 7, Precinct High Point 8, Precinct High Point 9, Precinct High Point 10, Precinct High Point 11, Precinct High Point 18, Precinct Pleasant Garden 1, Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Fentress 1, Precinct Fentress 2, Precinct Jamestown 3, Precinct Jamestown 4, Precinct Jefferson 1, Precinct Jefferson 2, Precinct Jefferson 3, Precinct Jefferson 4, Precinct Monroe 1, Precinct Monroe 3, Precinct North Madison, Precinct South Madison, Precinct Sumner 1, Precinct Sumner 2, Precinct Sumner 3, Precinct North Washington, Precinct South Washington.

District 32: Guilford County: Precinct Center Grove 3, Precinct Friendship 1, Precinct Greensboro 1, Precinct Greensboro 2, Precinct Greensboro 7, Precinct Greensboro 9, Precinct Greensboro 10, Precinct Greensboro 11, Precinct Greensboro 12, Precinct Greensboro 13, Precinct Greensboro 14, Precinct Greensboro 15, Precinct Greensboro 16, Precinct Greensboro 17, Precinct Greensboro 18, Precinct Greensboro 19, Precinct Greensboro 20, Precinct Greensboro 21, Precinct Greensboro 22, Precinct Greensboro 23, Precinct Greensboro 24, Precinct Greensboro 25, Precinct Greensboro 26, Precinct Greensboro 28, Precinct Greensboro 29, Precinct Greensboro 31, Precinct Greensboro 35, Precinct Greensboro 36, Precinct Greensboro 37, Precinct Greensboro 38, Precinct Greensboro 41, Precinct Greensboro 42, Precinct Greensboro 43, Precinct Greensboro 44, Precinct Greensboro 45, Precinct Greensboro 47, Precinct Greensboro 48, Precinct Greensboro 49, Precinct Greensboro 50, Precinct Greensboro 51, Precinct Greensboro 56, Precinct Greensboro 57, Precinct Greensboro 58, Precinct Greensboro 59, Precinct Greensboro 60, Precinct Greensboro 61, Precinct Greensboro 62, Precinct Greensboro 63, Precinct Greensboro 8, Precinct High Point 12, Precinct High Point 17, Precinct High Point 19, Precinct High Point 20, Precinct Jamestown 1, Precinct Jamestown 2, Precinct Monroe 2.

District 33: Mecklenburg County: Precinct 011, Precinct 012, Precinct 013, Precinct 014, Precinct 016, Precinct 022, Precinct 025, Precinct 027, Precinct 031, Precinct 039, Precinct 042, Precinct 050, Precinct 052, Precinct 054, Precinct 055, Precinct 056, Precinct 057, Precinct 058, Precinct 059, Precinct 060, Precinct 073, Precinct 075,

Precinct 076, Precinct 077, Precinct 082, Precinct 087, Precinct 088, Precinct 092, Precinct 097, Precinct 098, Precinct 101, Precinct 104, Precinct 111, Precinct 114, Precinct 120, Precinct 225, Precinct 231, Precinct 129, Precinct 210, Precinct 222.

District 34: Mecklenburg County: Precinct 004, Precinct 023, Precinct 024, Precinct 026, Precinct 040, Precinct 041, Precinct 053, Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 089, Precinct 105, Precinct 107, Precinct 116, Precinct 122, Precinct 123, Precinct 126, Precinct 228, Precinct 229, Precinct 230, Precinct 237, Precinct 243, Precinct 132, Precinct 135, Precinct 138, Precinct 141, Precinct 200, Precinct 203, Precinct 204, Precinct 205, Precinct 209, Precinct 211, Precinct 212, Precinct 213, Precinct 214, Precinct 223, Precinct 224.

District 35: Mecklenburg County: Precinct 008, Precinct 019, Precinct 032, Precinct 048, Precinct 065, Precinct 067, Precinct 068, Precinct 069, Precinct 070, Precinct 071, Precinct 072, Precinct 074, Precinct 085, Precinct 086, Precinct 090, Precinct 091, Precinct 093, Precinct 096, Precinct 100, Precinct 103, Precinct 106, Precinct 110, Precinct 112, Precinct 113, Precinct 118, Precinct 119, Precinct 121, Precinct 226, Precinct 227, Precinct 232, Precinct 233, Precinct 131, Precinct 136, Precinct 137, Precinct 139, Precinct 140, Precinct 144, Precinct 215, Precinct 216, Precinct 217, Precinct 218, Precinct 220; Union County: Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 22, Precinct 28, Precinct 31, Precinct 33, Precinct 37, Precinct 40, Precinct 41.

District 36: Franklin County: Precinct WEST YOUNGSVILLE, Precinct EAST HARRIS, Precinct PEARCES, Precinct EAST YOUNGSVILLE, Precinct WEST HARRIS; Wake County: Precinct 01-42, Precinct 01-45, Precinct 01-47, Precinct 02-01, Precinct 02-02, Precinct 02-03, Precinct 02-04, Precinct 02-05, Precinct 02-06, Precinct 05-00, Precinct 07-02, Precinct 07-03, Precinct 07-04, Precinct 07-05, Precinct 07-06, Precinct 07-07, Precinct 07-10, Precinct 07-11, Precinct 07-12, Precinct 14-01, Precinct 14-02, Precinct 19-01, Precinct 19-02, Precinct 19-03, Precinct 19-04, Precinct 19-05, Precinct 19-06, Precinct 19-07, Precinct 19-08.

District 37: Rutherford County, Cleveland County: Precinct Shelby 1, Precinct Shelby 2, Precinct Shelby 3, Precinct Shelby 6, Precinct Shelby 7, Precinct Shelby 8: Tract 9508: Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Tract 9509: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021; Precinct Kings Mountain 1, Precinct Kings Mountain 2, Precinct Kings Mountain 3, Precinct Kings Mountain 4, Precinct Lattimore, Precinct Boiling Springs, Precinct Mulls, Precinct Oak Grove, Precinct Rippy, Precinct Bethware, Precinct Grover, Precinct Hot Springs,

Precinct Kingstown, Precinct MRB-YO, Precinct Polkville, Precinct Shanghai; Polk County: Precinct Tryon 1, Precinct Tryon 3, Precinct White Oak, Precinct Columbus 1, Precinct Columbus 2, Precinct Green Creek.

District 38: Cabarrus County: Precinct 0402, Precinct 0403, Precinct 0404, Precinct 0500, Precinct 0600, Precinct 0700, Precinct 0800, Precinct 0900; Davidson County: Precinct DENTON, Precinct EMMONS, Precinct HEALING SPRINGS, Precinct HOLLY GROVE, Precinct LIBERTY, Precinct SILVER VALLEY, Precinct SOUTH DAVIDSON, Precinct THOMASVILLE 1, Precinct THOMASVILLE 4, Precinct THOMASVILLE 5, Precinct THOMASVILLE 9, Precinct THOMASVILLE 10; Randolph County: Precinct CONCORD, Precinct NEW HOPE; Rowan County: Precinct Barnhardt Mill, Precinct Blackwelder Park, Precinct Bostian Crossroads, Precinct Bradshaw, Precinct North China Grove, Precinct South China Grove, Precinct South Locke, Precinct East Enochville, Precinct Faith, Precinct Rock Grove, Precinct Granite Quarry, Precinct Hatters Shop, Precinct West Kannapolis, Precinct East Kannapolis, Precinct West Landis, Precinct East Landis, Precinct North Locke, Precinct Morgan I, Precinct Morgan II, Precinct Mount Ulla, Precinct Rockwell, Precinct Gold Knob, Precinct Steele, Precinct Sumner, Precinct Trading Ford, Precinct Bostian School, Precinct West Enochville; Stanly County: Precinct Furr 1, Precinct Furr 2, Precinct Big Lick 2, Precinct Endy, Precinct Almond.

District 39: Gaston County: Precinct Forest Heights, Precinct Gaston Day, Precinct South Gastonia, Precinct Crowders Mountain, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont 3, Precinct Catawba Heights, Precinct Southpoint, Precinct Cramerton, Precinct New Hope, Precinct McAdenville, Precinct Union, Precinct Alexis, Precinct Lucia, Precinct Stanley 1, Precinct Stanley 2, Precinct Mt Holly 1, Precinct Mt Holly 2; Iredell County: Precinct Coddle Creek 1, Precinct Coddle Creek 3, Precinct Coddle Creek 4, Precinct Davidson 1, Precinct Davidson 2; Lincoln County: Precinct Denver, Precinct Iron Station, Precinct Lowesville, Precinct Triangle, Precinct Westport; Mecklenburg County: Precinct 240, Precinct 242, Precinct 133, Precinct 134, Precinct 142, Precinct 143, Precinct 207, Precinct 208.

District 40: Mecklenburg County: Precinct 001, Precinct 002, Precinct 003, Precinct 005, Precinct 006, Precinct 007, Precinct 009, Precinct 010, Precinct 015, Precinct 017, Precinct 018, Precinct 020, Precinct 021, Precinct 028, Precinct 029, Precinct 030, Precinct 033, Precinct 034, Precinct 035, Precinct 036, Precinct 037, Precinct 038, Precinct 043, Precinct 044, Precinct 045, Precinct 046, Precinct 047, Precinct 049, Precinct 051, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 066, Precinct 083, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct 102, Precinct 108, Precinct 109, Precinct 115, Precinct 117, Precinct 124, Precinct 125, Precinct 130.

District 41: Cumberland County: Precinct CROSS CREEK 3, Precinct CROSS CREEK 4, Precinct CROSS CREEK 5, Precinct CROSS CREEK 6, Precinct CUMBERLAND 1, Precinct MORGANTON ROAD, Precinct AUMAN, Precinct BLACK RIVER, Precinct BRENTWOOD, Precinct CROSS CREEK 13, Precinct

CROSS CREEK 16, Precinct CROSS CREEK 17, Precinct CROSS CREEK 19, Precinct CROSS CREEK 23, Precinct CROSS CREEK 25, Precinct CROSS CREEK 27, Precinct CROSS CREEK 28, Precinct CROSS CREEK 32, Precinct CROSS CREEK 33, Precinct CLIFFDALE WEST, Precinct LINDEN, Precinct LONG HILL, Precinct LAKE RIM, Precinct MANCHESTER, Precinct MONTIBELLO, Precinct SPRING LAKE, Precinct WEST AREA; Sampson County: Precinct MINGO, Precinct PLAINVIEW.

District 42: Henderson County, Buncombe County: Precinct Asheville 18, Precinct Asheville 19, Precinct Biltmore (31), Precinct Broad River (37), Precinct Fairview 1 (38), Precinct Fairview 2 (39), Precinct Limestone 2 (55), Precinct Limestone 4 (57), Precinct Asheville 29; Clay County: Precinct Hayesville 2, Precinct Hiawassee, Precinct Shooting Creek, Precinct Sweetwater, Precinct Warne; Haywood County: Precinct Cecil; Jackson County: Precinct Cashiers, Precinct Hamburg, Precinct Mountain; McDowell County: Precinct Crooked Creek, Precinct Glenwood, Precinct Montford Cove; Macon County: Precinct South Franklin: Tract 9703: Block Group 6: Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6025, Block 6026, Block 6030, Block 6031, Block 6032, Block 6033, Block 6034, Block 6035; Block Group 8: Block 8038, Block 8047, Block 8048; Tract 9707: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1038; Precinct Millshoal, Precinct Ellijay, Precinct Sugarfork, Precinct Highlands, Precinct Flats, Precinct Smithbridge, Precinct Cartoogechaye, Precinct Nantahala, Precinct Burningtown; Polk County: Precinct Tryon 2, Precinct Saluda, Precinct Cooper Gap; Transylvania County: Precinct Catheys Creek, Precinct Cedar Mountain, Precinct Dunns Rock, Precinct Little River, Precinct Williamson Creek, Precinct Hogback CRU, Precinct Gloucester CRU, Precinct Eastatoe CRU.

District 43: Caswell County, Person County, Rockingham County, Stokes County: Precinct EAST WALNUT COVE, Precinct WEST WALNUT COVE, Precinct FREEMAN, Precinct PINE HALL.

District 44: Harnett County: Precinct BUCKHORN, Precinct HECTORS CREEK; Johnston County: Precinct NORTH BANNER, Precinct EAST CLAYTON, Precinct NORTH CLAYTON, Precinct WEST CLAYTON, Precinct NORTH CLEVELAND, Precinct NORTH ELEVATION, Precinct SOUTH ELEVATION, Precinct PLEASANT GROVE, Precinct WILDERS, Precinct SOUTH CLEVELAND, Precinct SOUTH CLAYTON; Wake County: Precinct 04-06, Precinct 04-07, Precinct 04-10, Precinct 04-12, Precinct 04-14, Precinct 04-16, Precinct 04-19, Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct 12-04, Precinct 12-06, Precinct 15-01, Precinct 15-02, Precinct 16-05, Precinct 18-02, Precinct 18-03, Precinct 18-04, Precinct 18-05, Precinct 18-08, Precinct 20-03, Precinct 20-05.

District 45: Alexander County, Caldwell County, Mitchell County, Avery County: Precinct Altamont, Precinct Carey's Flat, Precinct Ingalls, Precinct Pineola; Burke County: Precinct Drexel 3, Precinct Icard 1, Precinct Icard 2, Precinct Icard 3, Precinct Icard 4, Precinct Icard 5, Precinct Lovelady 1, Precinct Lovelady 2, Precinct Lovelady 4, Precinct Lower Fork, Precinct Smoky Creek, Precinct Upper Fork; Cleveland County: Precinct Casar; McDowell County: Precinct North Cove, Precinct Turkey Cove.

District 46: Forsyth County: Precinct 013, Precinct 014, Precinct 021, Precinct 031, Precinct 032, Precinct 033, Precinct 034, Precinct 051, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 061, Precinct 062, Precinct 066, Precinct 067, Precinct 068, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 091, Precinct 092, Precinct 101, Precinct 111, Precinct 112, Precinct 122, Precinct 123, Precinct 131, Precinct 132, Precinct 133, Precinct 602, Precinct 708, Precinct 709, Precinct 801, Precinct 802, Precinct 804, Precinct 809, Precinct 906, Precinct 909; Stokes County: Precinct DANBURY, Precinct SANDY RIDGE, Precinct LAWSONVILLE, Precinct CHESTNUT GROVE, Precinct FRANCISCO, Precinct FRANS, Precinct REYNOLDS, Precinct FLINTY KNOLL, Precinct PINNACLE, Precinct EAST KING, Precinct WEST KING, Precinct MOUNT OLIVE, Precinct MIZPAH, Precinct WILSONS STORE, Precinct GERMANTON, Precinct MITCHELL.

(b) The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 2000 United States Census. Boundaries are as shown on the Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, to reflect precincts divided or renamed as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in Vance County SANDY SCREEK is, in fact, SANDY CREEK.

(c) The Legislative Services Office modified on its computer database some of the precincts shown on the Redistricting Census 2000 TIGER Files to reflect precincts divided or renamed by county boards of elections after the TIGER Files were completed. As a result, precincts are shown differently on the Legislative Services Office computer database from the TIGER Files in the following counties:

(1) Buncombe County:

a. Precinct Asheville 4 in TIGER is shown as Precincts Asheville 4 and Asheville 28.

b. Precinct Asheville 22 in TIGER is shown as Precincts Asheville 22 and Asheville 27.

c. Precinct Asheville 19 in TIGER is shown as Precincts Asheville 19 and Asheville 29.

d. Precinct Riceville Swannanoa 2 CRU in TIGER is shown as Precincts Riceville Swannanoa 2 CRU and Riceville Swannanoa CRU 2.

e. Precinct Black Mountain 3 in TIGER is shown as Precincts Black Mountain 3 and Black Mountain 4.

(2) Cabarrus County:

a. Precinct 0202 in TIGER is shown as Precincts 0202 and 0207.

b. Precinct 1209 in TIGER is shown as Precincts 1209 and 1212.

(3) Caldwell County: Precinct Lovelady in TIGER is shown as Precincts Lovelady1 and Lovelady2.

(4) Chatham County:

a. Precinct North Williams in TIGER is shown as Precincts North Williams and North Williams 2.

b. Precinct East Williams in TIGER is shown as Precincts East Williams and East Williams 2.

(5) Craven County: Precinct Havelock in TIGER is shown as Precincts Havelock East and Havelock West.

(6) Franklin County: Precinct Harris in TIGER is shown as Precincts East Harris and West Harris.

(7) Guilford County: Precinct Greensboro 40 in TIGER is shown as Precincts Greensboro 40A and Greensboro 40B.

(8) Johnston County: Precinct East Clayton in TIGER is shown as Precincts East Clayton and South Clayton.

(9) Orange County:

a. Precinct Frank Porter Graham in TIGER is renamed Precinct Damascus 1.

b. Precinct Dogwood Acres in TIGER is shown as Precincts Dogwood Acres and Damascus 2.

(10) Rowan County:

a. Precinct Bostian Crossroads in TIGER is shown as Precincts Bostian Crossroads and Rock Grove.

b. Precinct Enochville in TIGER is shown as Precincts Enochville and West Enochville.

(11) Wake County:

a. Precinct 01-32 in TIGER is shown as Precincts 01-32 and 01-49.

b. Precinct 07-06 in TIGER is shown as Precincts 07-06 and 07-11.

c. Precinct 10-01 in TIGER is shown as Precincts 10-01 and 10-04.

d. Precinct 10-02 in TIGER is shown as Precincts 10-02 and 10-03.

e. Precinct 01-43 in TIGER is shown as Precincts 01-43 and 01-51.
f. Precinct 07-02 in TIGER is shown as Precincts 07-02 and 07-12.
g. Precinct 08-04 in TIGER is shown as Precincts 08-04 and 08-08.
h. Precinct 12-02 in TIGER is shown as Precincts 12-02 and 12-06.
i. Precinct 18-03 in TIGER is shown as Precincts 18-03 and 18-08.
j. Precinct 19-02 in TIGER is shown as Precincts 19-02 and 19-06.
k. Precinct 19-03 in TIGER is shown as Precincts 19-03 and 19-07.
l. Precinct 19-04 in TIGER is shown as Precincts 19-04 and 19-08.
m. Precinct 20-04 in TIGER is shown as Precincts 20-04 and 20-10.
n. Precinct 01-32 in TIGER is shown as Precincts 01-32 and 01-49.

(d) If any precinct boundary is changed, that change shall not change the boundary of a senatorial district, which shall remain the same.

(e) If this section does not specifically assign any area within North Carolina to a district, and the area is:

(1) Entirely surrounded by a single district, the area shall be deemed to have been assigned to that district.
(2) Contiguous to two or more districts, the area shall be deemed to have been assigned to that district which contains the least population according to the 2000 United States Census.
(3) Contiguous to only one district and to another state or the Atlantic Ocean, the area shall be deemed to have been assigned to that district."

SECTION 2. If Senate Bill 35 of the 2001 General Assembly becomes law, then G.S. 120-1(b) as rewritten by Section 1 of this act reads as rewritten:

"(b) The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 2000 United States Census. Boundaries are as shown on the Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, to reflect precincts divided or renamed as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in Vance County SANDY SCREEK is, in fact, SANDY CREEK. If the boundary line between Iredell and Mecklenburg Counties in the Redistricting Census 2000 TIGER Files conflicts with that provided by

Section 1 of Session Law 1998-15 as amended, Section 1 of Session Law 1998-15 as amended prevails to the extent of the conflict."

SECTION 3. This act is effective when it becomes law.

Proposed Senate Districts Plan 1C - Voter Registration by Senate District

	Party								Age							
District	D	%D	R	%R	L	%L	U	%U	18 - 25	%18 - 25	26 - 40	%26 - 40	41 - 65	%41 - 65	66 up	%66 up
1	62804	60.56%	24458	23.58%	150	0.14%	16298	15.71%	9853	9.50%	28043	27.04%	45815	44.18%	19999	19.28%
2	77223	81.75%	10384	10.99%	42	0.04%	6817	7.22%	8300	8.79%	25967	27.49%	40421	42.79%	19778	20.94%
3	56062	54.10%	31214	30.12%	108	0.10%	16249	15.68%	9997	9.65%	29410	28.37%	44132	42.58%	20110	19.40%
4	43496	38.18%	49402	43.37%	238	0.21%	20775	18.24%	8796	7.72%	31650	27.79%	53594	47.05%	19866	17.44%
5	45632	57.09%	24146	30.21%	72	0.09%	10083	12.61%	8299	10.38%	23004	28.78%	35157	43.98%	13473	16.86%
6	52606	57.61%	24269	26.58%	132	0.14%	14305	15.67%	10580	11.59%	36293	39.75%	35582	38.97%	8854	9.70%
7	37331	53.28%	20165	28.78%	225	0.32%	12339	17.61%	9042	12.91%	25951	37.04%	25961	37.06%	9106	13.00%
8	51166	60.65%	24262	28.76%	71	0.08%	8864	10.51%	8382	9.94%	24780	29.37%	37073	43.94%	14128	16.75%
9	64385	68.28%	19563	20.75%	89	0.09%	10261	10.88%	12256	13.00%	31396	33.30%	36576	38.79%	14054	14.91%
10	61543	62.28%	28278	28.62%	83	0.08%	8913	9.02%	8269	8.37%	31326	31.70%	43446	43.97%	15776	15.96%
11	57430	63.95%	23136	25.76%	67	0.07%	9165	10.21%	7869	8.76%	27843	31.01%	38936	43.36%	15150	16.87%
12	44413	41.94%	44341	41.88%	139	0.13%	16991	16.05%	13439	12.69%	31561	29.81%	42106	39.77%	18778	17.73%
13	118263	56.14%	54050	25.66%	440	0.21%	37912	18.00%	21337	10.13%	86383	41.00%	80311	38.12%	22634	10.74%
14	54745	49.30%	32920	29.65%	351	0.32%	23025	20.74%	16667	15.01%	44626	40.19%	36961	33.29%	12787	11.52%
15	41168	55.44%	22646	30.50%	56	0.08%	10388	13.99%	7605	10.24%	23579	31.75%	30612	41.22%	12462	16.78%
16	122032	53.49%	65656	28.78%	496	0.22%	39937	17.51%	26804	11.75%	77382	33.92%	91360	40.05%	32575	14.28%
17	101151	56.07%	52617	29.17%	146	0.08%	26495	14.69%	18802	10.42%	59616	33.04%	75214	41.69%	26777	14.84%
18	66297	59.21%	30260	27.03%	116	0.10%	15295	13.66%	9513	8.50%	31057	27.74%	50156	44.79%	21247	18.98%
19	37266	34.58%	52978	49.15%	149	0.14%	17386	16.13%	9562	8.87%	36498	33.87%	47323	43.91%	14381	13.34%
20	61036	56.11%	31301	28.77%	152	0.14%	16297	14.98%	11432	10.51%	36286	33.36%	37598	34.56%	23470	21.57%
21	29921	33.42%	45925	51.29%	108	0.12%	13588	15.18%	8337	9.31%	27944	31.20%	40081	44.75%	13198	14.74%
22	41170	37.67%	47010	43.02%	107	0.10%	20997	19.21%	9830	8.99%	40497	37.06%	46276	42.34%	12681	11.60%
23	44843	49.63%	32080	35.51%	77	0.09%	13349	14.77%	8753	9.69%	30641	33.91%	37842	41.88%	13113	14.51%
24	46089	53.00%	25627	29.47%	110	0.13%	15133	17.40%	9932	11.42%	31365	36.07%	35755	41.12%	9907	11.39%
25	45012	50.02%	31586	35.10%	68	0.08%	13330	14.81%	8003	8.89%	28715	31.91%	38080	42.31%	15201	16.89%
26	39060	35.95%	50949	46.89%	199	0.18%	18445	16.98%	9985	9.19%	35683	32.84%	46685	42.97%	16300	15.00%
27	26821	30.97%	48680	56.21%	44	0.05%	11053	12.76%	7568	8.74%	25421	29.36%	38966	45.00%	14643	16.91%
28	103043	50.42%	65988	32.29%	309	0.15%	35047	17.15%	19208	9.40%	60721	29.71%	87151	42.64%	37307	18.25%
29	60585	51.35%	38071	32.27%	124	0.11%	19213	16.28%	10883	9.22%	32062	27.17%	49499	41.95%	25552	21.65%
30	67415	68.08%	20422	20.62%	40	0.04%	11151	11.26%	9846	9.94%	30386	30.68%	38936	39.32%	19860	20.05%
31	60911	61.85%	23813	24.18%	95	0.10%	13668	13.88%	13657	13.87%	33231	33.75%	36155	36.72%	15425	15.66%
32	53976	50.41%	34595	32.31%	189	0.18%	18323	17.11%	12872	12.02%	38167	35.64%	37462	34.98%	18598	17.37%
33	59271	57.98%	26131	25.56%	145	0.14%	16679	16.32%	10036	9.82%	39606	38.74%	40112	39.24%	12472	12.20%
34	44145	47.69%	29987	32.40%	164	0.18%	18263	19.73%	9984	10.79%	38665	41.77%	35898	38.78%	8012	8.66%
35	34142	27.10%	65068	51.65%	194	0.15%	26571	21.09%	10620	8.43%	41604	33.03%	60867	48.32%	12884	10.23%
36	39453	35.76%	47444	43.00%	233	0.21%	23210	21.03%	10557	9.57%	42647	38.65%	49309	44.69%	7830	7.10%
37	46812	53.27%	27957	31.81%	59	0.07%	13051	14.85%	8717	9.92%	24776	28.19%	37150	42.28%	17233	19.61%
38	35281	35.05%	49274	48.95%	83	0.08%	16029	15.92%	9932	9.87%	32978	32.76%	43123	42.84%	14634	14.54%
39	36098	34.26%	48614	46.13%	92	0.09%	20570	19.52%	8948	8.49%	36569	34.70%	47701	45.27%	12156	11.54%
40	51728	48.29%	33122	30.92%	223	0.21%	22055	20.59%	9241	8.63%	47158	44.02%	37325	34.84%	13404	12.51%
41	37763	51.18%	20517	27.80%	111	0.15%	15399	20.87%	11000	14.91%	30752	41.68%	27444	37.19%	4594	6.23%
42	40606	33.60%	55232	45.71%	219	0.18%	24781	20.51%	9120	7.55%	29350	24.29%	50499	41.79%	31866	26.37%
43	53610	59.37%	24157	26.75%	75	0.08%	12463	13.80%	8359	9.26%	26246	29.06%	39749	44.02%	15951	17.66%
44	37877	37.19%	44010	43.22%	171	0.17%	19781	19.42%	8702	8.54%	39124	38.42%	46216	45.38%	7797	7.66%
45	31890	35.24%	44910	49.63%	60	0.07%	13627	15.06%	8281	9.15%	27835	30.76%	39284	43.41%	15087	16.67%
46	41031	36.79%	53313	47.80%	132	0.12%	17051	15.29%	8776	7.87%	35374	31.72%	48358	43.36%	19019	17.05%
Statewide	2,464,602	49.56%	1,700,528	34.20%	6,753	0.14%	800,622	16.10%	497,951	10.01%	1,650,168	33.19%	2,064,257	41.51%	760,129	15.29%

D = Democrat
R = Republican
L = Libertarian
U = Unaffiliated

Proposed Senate Districts Plan 1C - North Carolina 2000 General Election Results by District

	Governor						Chief Justice				State Auditor			
District	D	%D	R	%R	L/R	%L/R	D	%D	R	%R	D	%D	R	%R
1	31204	59.00%	20620	38.99%	1061	2.01%	25549	51.02%	24525	48.98%	26977	55.62%	21521	44.38%
2	36337	74.39%	12097	24.77%	411	0.84%	32514	69.55%	14235	30.45%	34379	75.83%	10960	24.17%
3	26496	55.33%	20708	43.25%	680	1.42%	21206	46.16%	24730	53.84%	23297	53.32%	20395	46.68%
4	29950	47.55%	31716	50.35%	1321	2.10%	21610	36.09%	38270	63.91%	24028	41.33%	34108	58.67%
5	22077	52.84%	19121	45.77%	582	1.39%	18443	45.91%	21733	54.09%	20516	52.83%	18321	47.17%
6	32046	65.83%	16046	32.96%	585	1.20%	29767	62.52%	17842	37.48%	30093	63.48%	17311	36.52%
7	19986	62.81%	11057	34.75%	779	2.45%	17160	56.29%	13326	43.71%	17697	59.58%	12006	40.42%
8	20914	53.61%	17731	45.45%	363	0.93%	17387	46.28%	20186	53.72%	19423	53.20%	17083	46.80%
9	29999	71.36%	11770	28.00%	269	0.64%	25790	63.98%	14518	36.02%	27436	69.43%	12079	30.57%
10	31680	60.04%	20672	39.17%	417	0.79%	25791	50.70%	25080	49.30%	27809	56.07%	21784	43.93%
11	29026	60.36%	18599	38.68%	460	0.96%	24887	53.60%	21543	46.40%	26542	58.52%	18813	41.48%
12	22408	44.97%	26268	52.72%	1151	2.31%	19936	41.91%	27637	58.09%	20090	43.43%	26165	56.57%
13	70097	64.83%	36265	33.54%	1759	1.63%	65354	62.30%	39545	37.70%	64653	62.91%	38112	37.09%
14	35567	61.24%	21126	36.38%	1382	2.38%	32966	58.86%	23040	41.14%	33412	60.45%	21862	39.55%
15	21588	54.16%	17764	44.57%	508	1.27%	18453	47.65%	20273	52.35%	19903	52.62%	17921	47.38%
16	59445	57.77%	41451	40.28%	2009	1.95%	57262	57.47%	42368	42.53%	54830	56.81%	41679	43.19%
17	46571	53.80%	37412	43.22%	2582	2.98%	44126	54.33%	37089	45.67%	43194	55.12%	35172	44.88%
18	34275	64.64%	17835	33.63%	916	1.73%	27424	54.71%	22700	45.29%	28934	59.90%	19372	40.10%
19	24080	41.64%	32683	56.52%	1065	1.84%	21884	39.05%	34160	60.95%	19595	36.39%	34258	63.61%
20	31975	62.36%	18384	35.86%	914	1.78%	30263	60.51%	19752	39.49%	30062	62.00%	18422	38.00%
21	19163	38.27%	30113	60.13%	803	1.60%	17322	35.39%	31622	64.61%	15659	33.07%	31690	66.93%
22	20973	39.49%	31150	58.65%	989	1.86%	20104	39.81%	30398	60.19%	19777	40.36%	29227	59.64%
23	24182	53.13%	20617	45.30%	717	1.58%	22711	51.21%	21638	48.79%	22815	52.82%	20376	47.18%
24	24516	57.45%	17581	41.20%	580	1.36%	22072	53.11%	19490	46.89%	22675	56.20%	17672	43.80%
25	19868	46.94%	21729	51.33%	731	1.73%	18068	44.39%	22631	55.61%	18701	47.23%	20898	52.77%
26	20442	38.92%	31129	59.27%	949	1.81%	17943	34.89%	33479	65.11%	18449	36.63%	31922	63.37%
27	20521	38.64%	31673	59.64%	911	1.72%	16548	32.51%	34349	67.49%	16887	33.97%	32820	66.03%
28	50011	52.17%	43178	45.04%	2679	2.79%	44741	49.11%	46366	50.89%	46331	51.83%	43060	48.17%
29	26934	52.48%	23248	45.29%	1144	2.23%	23937	49.30%	24615	50.70%	25133	52.54%	22702	47.46%
30	27286	63.78%	14925	34.89%	568	1.33%	24701	60.29%	16272	39.71%	25367	63.38%	14656	36.62%
31	30301	68.40%	13394	30.23%	605	1.37%	30119	68.86%	13619	31.14%	28442	66.99%	14013	33.01%
32	28183	59.29%	18307	38.52%	1041	2.19%	28775	62.04%	17608	37.96%	25517	57.58%	18796	42.42%
33	25482	65.54%	12961	33.34%	438	1.13%	25756	68.93%	11608	31.07%	25323	69.07%	11340	30.93%
34	22373	54.39%	18076	43.95%	682	1.66%	22226	56.74%	16948	43.26%	21743	56.66%	16632	43.34%
35	17851	30.90%	38990	67.50%	920	1.59%	18271	33.80%	35792	66.20%	17206	32.66%	35478	67.34%
36	32597	48.73%	33209	49.65%	1086	1.62%	27595	42.98%	36612	57.02%	28010	44.19%	35370	55.81%
37	21767	49.24%	21604	48.87%	838	1.90%	18897	44.80%	23282	55.20%	19641	48.12%	21173	51.88%
38	18730	35.67%	32777	62.42%	1005	1.91%	16726	32.91%	34103	67.09%	16602	33.61%	32795	66.39%
39	17908	33.84%	34027	64.29%	989	1.87%	16604	32.85%	33941	67.15%	16471	33.44%	32785	66.56%
40	23253	56.08%	17386	41.93%	825	1.99%	23864	60.76%	15410	39.24%	23156	60.66%	15016	39.34%
41	18745	62.85%	10659	35.74%	423	1.42%	17958	61.14%	11416	38.86%	18029	62.19%	10960	37.81%
42	22818	40.02%	32857	57.63%	1335	2.34%	19063	36.25%	33522	63.75%	19710	37.39%	33004	62.61%
43	27784	55.43%	21590	43.07%	755	1.51%	25666	53.13%	22645	46.87%	24664	53.59%	21362	46.41%
44	30856	47.59%	32810	50.60%	1172	1.81%	25565	40.85%	37021	59.15%	26485	42.88%	35284	57.12%
45	18991	38.27%	29554	59.56%	1077	2.17%	16569	34.25%	31808	65.75%	17485	37.10%	29643	62.90%
46	25915	41.57%	35266	56.57%	1154	1.85%	22101	36.64%	38216	63.36%	21994	37.61%	36486	62.39%
Statewide	1,293,171	52.68%	1,118,135	45.55%	43,630	1.78%	1,161,674	49.25%	1,196,963	50.75%	1,175,142	51.15%	1,122,504	48.85%

D = Democrat
R = Republican
L/R = Libertarian and Reform

Proposed Senate Districts Plan 1C - District Populations by Race and Ethnicity Based on 2000 Census Results

		Race												Ethnicity	
District	Total	White	%White	Black	%Black	AI	%AI	A/PI	%Asian	Other	%Other	MR	%MR	Hispanic	%Hisp
1	163,586	118099	72.19%	41307	25.25%	460	0.28%	783	0.48%	1474	0.90%	1463	0.89%	3252	1.99%
2	154,644	62895	40.67%	87763	56.75%	1683	1.09%	308	0.20%	922	0.60%	1073	0.69%	2085	1.35%
3	165,349	115372	69.77%	43199	26.13%	614	0.37%	1406	0.85%	2491	1.51%	2267	1.37%	5395	3.26%
4	168,975	154976	91.72%	8738	5.17%	739	0.44%	1415	0.84%	1109	0.66%	1998	1.18%	3164	1.87%
5	157,346	100847	64.09%	41468	26.35%	1259	0.80%	1508	0.96%	9584	6.09%	2680	1.70%	14973	9.52%
6	154,500	77019	49.85%	63722	41.24%	615	0.40%	3095	2.00%	7045	4.56%	3004	1.94%	13848	8.96%
7	155,187	99229	63.94%	44717	28.81%	987	0.64%	1848	1.19%	4878	3.14%	3528	2.27%	9341	6.02%
8	162,166	98955	61.02%	54229	33.44%	514	0.32%	1314	0.81%	5384	3.32%	1770	1.09%	8319	5.13%
9	156,177	67693	43.34%	83194	53.27%	337	0.22%	1203	0.77%	2299	1.47%	1451	0.93%	4156	2.66%
10	168,826	103170	61.11%	58227	34.49%	2166	1.28%	1000	0.59%	2806	1.66%	1457	0.86%	5283	3.13%
11	166,678	101569	60.94%	56093	33.65%	520	0.31%	684	0.41%	6172	3.70%	1640	0.98%	11393	6.84%
12	160,947	151097	93.88%	4009	2.49%	415	0.26%	813	0.51%	3206	1.99%	1407	0.87%	6601	4.10%
13	325,719	187602	57.60%	108935	33.44%	1105	0.34%	11303	3.47%	11312	3.47%	5462	1.68%	20968	6.44%
14	159,758	114712	71.80%	30073	18.82%	614	0.38%	6637	4.15%	4643	2.91%	3079	1.93%	10078	6.31%
15	153,265	108217	70.61%	32923	21.48%	1071	0.70%	979	0.64%	7933	5.18%	2142	1.40%	13309	8.68%
16	319,588	243774	76.28%	53115	16.62%	1303	0.41%	6365	1.99%	10751	3.36%	4280	1.34%	20913	6.54%
17	308,580	208949	67.71%	80396	26.05%	6446	2.09%	2887	0.94%	6546	2.12%	3356	1.09%	14271	4.62%
18	168,887	123352	73.04%	38186	22.61%	2838	1.68%	589	0.35%	2337	1.38%	1585	0.94%	4386	2.60%
19	163,959	145378	88.67%	12314	7.51%	535	0.33%	2399	1.46%	1894	1.16%	1439	0.88%	3953	2.41%
20	163,304	86554	53.00%	64724	39.63%	518	0.32%	1771	1.08%	7153	4.38%	2584	1.58%	14643	8.97%
21	165,776	148740	89.72%	9306	5.61%	760	0.46%	1074	0.65%	4256	2.57%	1640	0.99%	9302	5.61%
22	167,432	138864	82.94%	20345	12.15%	616	0.37%	2458	1.47%	3344	2.00%	1805	1.08%	7886	4.71%
23	159,743	112708	70.56%	38084	23.84%	525	0.33%	2436	1.52%	3910	2.45%	2080	1.30%	7615	4.77%
24	164,549	101399	61.62%	48755	29.63%	4113	2.50%	2489	1.51%	4334	2.63%	3459	2.10%	9048	5.50%
25	154,540	122405	79.21%	27063	17.51%	350	0.23%	1033	0.67%	2271	1.47%	1418	0.92%	6792	4.39%
26	167,730	143989	85.85%	13711	8.17%	428	0.26%	4306	2.57%	3469	2.07%	1827	1.09%	8681	5.18%
27	157,594	144825	91.90%	7491	4.75%	262	0.17%	669	0.42%	3154	2.00%	1193	0.76%	6720	4.26%
28	306,557	271131	88.44%	22268	7.26%	1110	0.36%	3791	1.24%	4705	1.53%	3552	1.16%	9917	3.23%
29	159,211	144527	90.78%	3219	2.02%	8438	5.30%	568	0.36%	670	0.42%	1789	1.12%	2229	1.40%
30	166,655	75253	45.15%	35787	21.47%	48709	29.23%	1021	0.61%	3207	1.92%	2678	1.61%	7515	4.51%
31	153,158	67900	44.33%	75976	49.61%	840	0.55%	2976	1.94%	3156	2.06%	2310	1.51%	6159	4.02%
32	154,956	104143	67.21%	38298	24.72%	700	0.45%	5313	3.43%	3656	2.36%	2846	1.84%	7744	5.00%
33	155,439	63177	40.64%	77523	49.87%	462	0.30%	3973	2.56%	7455	4.80%	2849	1.83%	14869	9.57%
34	157,197	90977	57.87%	52526	33.41%	710	0.45%	7235	4.60%	3279	2.09%	2470	1.57%	7110	4.52%
35	165,801	150331	90.67%	8299	5.01%	370	0.22%	4266	2.57%	1025	0.62%	1510	0.91%	3755	2.26%
36	160,822	135252	84.10%	16352	10.17%	418	0.26%	5018	3.12%	1781	1.11%	2001	1.24%	4905	3.05%
37	153,027	126768	82.84%	22919	14.98%	279	0.18%	894	0.58%	1010	0.66%	1157	0.76%	2720	1.78%
38	167,651	152150	90.75%	10024	5.98%	550	0.33%	952	0.57%	2720	1.62%	1255	0.75%	5728	3.42%
39	167,456	151526	90.49%	11082	6.62%	538	0.32%	1768	1.06%	1177	0.70%	1365	0.82%	3728	2.23%
40	160,390	93533	58.32%	49204	30.68%	688	0.43%	5187	3.23%	8580	5.35%	3198	1.99%	16882	10.53%
41	161,092	77611	48.18%	65499	40.66%	1524	0.95%	4011	2.49%	6611	4.10%	5836	3.62%	14062	8.73%
42	168,856	159432	94.42%	3975	2.35%	473	0.28%	933	0.55%	2588	1.53%	1455	0.86%	5916	3.50%
43	158,097	115534	73.08%	37923	23.99%	533	0.34%	404	0.26%	2377	1.50%	1326	0.84%	4091	2.59%
44	168,168	142533	84.76%	15953	9.49%	616	0.37%	3298	1.96%	3799	2.26%	1969	1.17%	7272	4.32%
45	168,453	156264	92.76%	6648	3.95%	391	0.23%	1864	1.11%	2009	1.19%	1277	0.76%	3787	2.25%
46	161,522	144225	89.29%	11983	7.42%	409	0.25%	1428	0.88%	2147	1.33%	1330	0.82%	4199	2.60%
Statewide	8,049,313	5,804,656	72.11%	1,737,545	21.59%	99,551	1.24%	117,672	1.46%	186,629	2.32%	103,260	1.28%	378,963	4.71%

A = Asian
AI = American Indian and Alaskan Native
PI = Native Hawaiian and other Pacific Islander
MR = Multi-Race
Hispanic = Hispanic or Latino (of any race)

Proposed Senate Districts Plan 1C
Ideal versus Actual Populations based on 2000 Census Results

Senate District	Members	2000 Pop	Ideal Pop	Ideal +/-	% +/-
1	1	163,586	160,986	2,600	1.61%
2	1	154,644	160,986	-6,342	-3.94%
3	1	165,349	160,986	4,363	2.71%
4	1	168,975	160,986	7,989	4.96%
5	1	157,346	160,986	-3,640	-2.26%
6	1	154,500	160,986	-6,486	-4.03%
7	1	155,187	160,986	-5,799	-3.60%
8	1	162,166	160,986	1,180	0.73%
9	1	156,177	160,986	-4,809	-2.99%
10	1	168,826	160,986	7,840	4.87%
11	1	166,678	160,986	5,692	3.54%
12	1	160,947	160,986	-39	-0.02%
13	2	325,719	321,973	3,746	1.16%
14	1	159,758	160,986	-1,228	-0.76%
15	1	153,265	160,986	-7,721	-4.80%
16	2	319,588	321,973	-2,385	-0.74%
17	2	308,580	321,973	-13,393	-4.16%
18	1	168,887	160,986	7,901	4.91%
19	1	163,959	160,986	2,973	1.85%
20	1	163,304	160,986	2,318	1.44%
21	1	165,776	160,986	4,790	2.98%
22	1	167,432	160,986	6,446	4.00%
23	1	159,743	160,986	-1,243	-0.77%
24	1	164,549	160,986	3,563	2.21%
25	1	154,540	160,986	-6,446	-4.00%
26	1	167,730	160,986	6,744	4.19%
27	1	157,594	160,986	-3,392	-2.11%
28	2	306,557	321,973	-15,416	-4.79%
29	1	159,211	160,986	-1,775	-1.10%
30	1	166,655	160,986	5,669	3.52%
31	1	153,158	160,986	-7,828	-4.86%
32	1	154,956	160,986	-6,030	-3.75%
33	1	155,439	160,986	-5,547	-3.45%
34	1	157,197	160,986	-3,789	-2.35%
35	1	165,801	160,986	4,815	2.99%
36	1	160,822	160,986	-164	-0.10%
37	1	153,027	160,986	-7,959	-4.94%
38	1	167,651	160,986	6,665	4.14%
39	1	167,456	160,986	6,470	4.02%
40	1	160,390	160,986	-596	-0.37%
41	1	161,092	160,986	106	0.07%
42	1	168,856	160,986	7,870	4.89%
43	1	158,097	160,986	-2,889	-1.79%
44	1	168,168	160,986	7,182	4.46%
45	1	168,453	160,986	7,467	4.64%
46	1	161,522	160,986	536	0.33%

Proposed North Carolina Senate Plan 1C
Split Counties
October 8, 2001

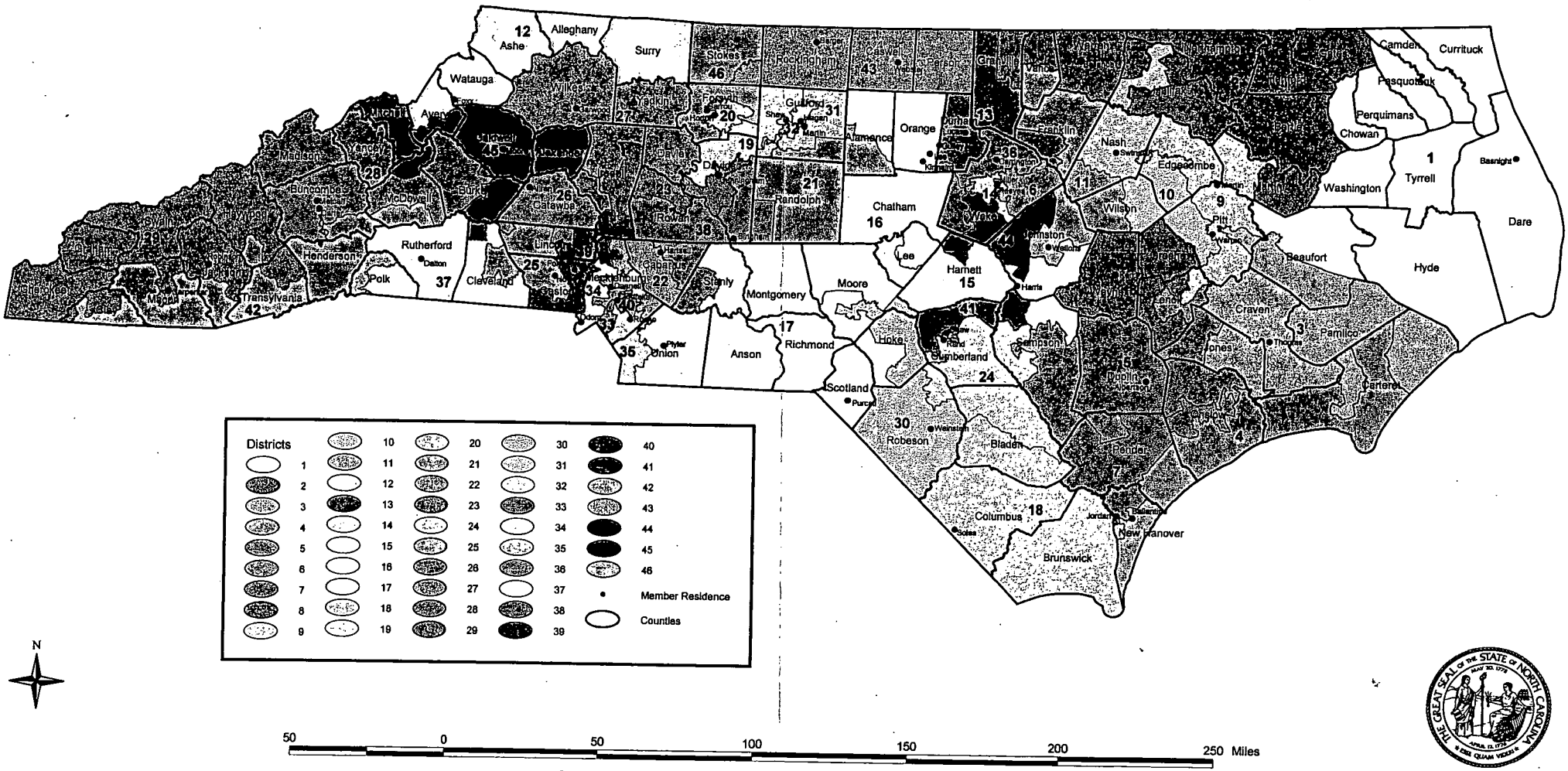
	County	Districts	Population
1.	Alamance	16	110,157
		21	20,643
2.	Avery	12	11,972
		45	5,195
3.	Beaufort	1	24,055
		3	20,903
4.	Bladen	18	23,324
		24	8,954
5.	Buncombe	28	181,321
		42	25,009
6.	Burke	28	56,696
		45	32,452
7.	Cabarrus	22	108,010
		38	23,053
8.	Carteret	3	11,664
		4	47,719
9.	Clay	29	3,351
		42	5,424
10.	Cleveland	25	17,850
		37	76,615
		45	1,822
11.	Cumberland	24	131,408
		30	17,745
		41	153,810
12.	Davidson	19	50,290
		23	55,237
		38	41,719
13.	Edgecombe	9	33,089
		10	22,517
14.	Forsyth	19	18,907
		20	163,304
		46	123,856
15.	Franklin	11	31,543
		36	15,717
16.	Gaston	25	104,396
		39	85,969
17.	Granville	2	7,404
		13	41,094
18.	Guilford	19	94,762
		21	18,172
		31	153,158
		32	154,956
19.	Halifax	2	28,468
		10	28,902
20.	Harnett	15	85,491
		44	5,534
21.	Haywood	29	53,591
		42	442
22.	Hoke	17	17,185
		30	16,461
23.	Iredell	23	57,540
		26	14,191
		27	20,779
		39	30,150
24.	Jackson	29	29,438
		42	3,683
25.	Johnston	11	41,540
		15	24,963
		44	55,462
26.	Jones	3	6,909
		5	3,472
27.	Lee	15	35,510
		16	13,530

28. Lenoir	5	13,947
	8	29,863
	9	15,838
29. Lincoln	25	32,294
	26	11,854
	39	19,632
30. McDowell	28	31,131
	42	8,741
	45	2,279
31. Macon	29	13,869
	42	15,942
32. Martin	2	16,577
	9	9,016
33. Mecklenburg	22	59,422
	33	155,439
	34	157,197
	35	131,301
	39	31,705
	40	160,390
34. Moore	16	28,345
	17	25,471
	30	20,953
35. Nash	9	14,765
	10	60,591
	11	12,064
36. New Hanover	4	78,565
	7	64,071
	18	17,671
37. Onslow	4	28,885
	5	53,635
	7	67,835
38. Pender	4	13,806
	5	3,995
	7	23,281
39. Pitt	3	21,503
	9	83,469
	10	28,826
40. Polk	37	13,513
	42	4,811
41. Randolph	21	126,961
	38	3,493
42. Robeson	24	11,843
	30	111,496
43. Rowan	23	46,966
	38	83,374
44. Sampson	5	33,234
	15	7,301
	24	12,344
	41	7,282
45. Stanly	17	42,088
	38	16,012
46. Stokes	43	7,045
	46	37,666
47. Transylvania	29	13,703
	42	15,631
48. Union	17	89,177
	35	34,500
49. Vance	2	7,247
	11	35,707
50. Wake	6	154,500
	13	61,311
	14	159,758
	36	145,105
	44	107,172
51. Wilson	10	27,990
	11	45,824

Proposed North Carolina Senate Plan 1C
Split Precincts
October 8, 2001

County	Precinct	Districts	Population
Cleveland	Shelby 8	25	1,050
		37	1,825
Macon	South Franklin	29	1,272
		42	583
New Hanover	Wilmington 16	4	1,467
		18	2,463
Onslow	Voting Districts Not Defined	4	1,187
		5	81
		7	20
Pitt	15.07A	3	1,655
		9	2,728
	15.08B	3	1,487
		9	987
Wake	13-02	6	1,910
		36	8,815

NORTH CAROLINA SENATE PLAN 1C



VISITOR REGISTRATION SHEET

Rules — 10-24-01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
John Bowdish	Alley Associates
Cam Cover	BPMI LC
[illegible]	NCASA
Linda Hayes	NCASA
DAVID M. BARNES	Poyner Spruill, LLP
Marvin Musselwhite	Poyner + Spruill. LLP
[illegible]	CCNC
Larry Heckner	Household Financial Group
Dick Carlton	Carlton & Alexander, PLLC
Steve Wall	CCNC
BRUCE THOMPSON	PARKER POE ADAMS + BERNSTEIN
David Knight	Bruce Thompson's Assistant
Nat Mund	CCNC
Jim Blackburn	N.C. Association of County Commissioners
John Kuster	NCFPC
Gary Robertson	Associated Press
Michelle Frazier	N.C. Bar Assoc.
Martha Glass	DOA
Virginia Fox	NC Senate
Tim Minton	NC Home Builders Assn
R. Reid Wilson	NCHBA
Jennifer Lasher	Sen. Carter
Dan Crawford	Sen Metcalf
Cornelia McMillan	Sen Rabon
Angie Whitley	Sen Metcalf
Samuel W Vast	S.A.M.
Ken Melton	Alley Associates, Inc.
JOEL RAPPE	Sen. Ballantine

VISITOR REGISTRATION SHEET

Rules
Name of Committee

10-24-01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
[signature]	[signature]
John McHugh	Gov Office
[signature]	DOC
[signature]	[signature]
Angie Harris	MTE

Dot Crocker (Rep. Culpepper)

From: Erika Churchill (Research)
Sent: Wednesday, October 24, 2001 12:43 PM
To: Rep. Bill Culpepper
Cc: Dianna Jessup (Research); Giles Perry (Research)
Subject: Information Requested by Reps. Michaux & Cunningham

Represenative Culpepper:

The information requested during the Rules meeting has been delivered to the respective members offices as follows:

- Representative Michaux: Reports by district on voting age population by race, voter registration by race, and voter registration by party.
- Representative Cunningham: 40 Voting Rights Act counties

Please let me know if there is anything further. Thank you.

Erika

Erika Churchill
Staff Attorney, Research Division
North Carolina General Assembly
Suite 545, Legislative Office Building
Raleigh, North Carolina 27609
(919) 733-2578 Fax (919) 715-5460
erikac@ncleg.net

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
NOVEMBER 5, 2001
5:35 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 798 – SENATE REDISTRICTING – 1C

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

November 5, 2001

The Committee on Rules, Calendar and Operations of the House met on November 5, 2001 at 5:35 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Crawford, Culp, Fitch, Gibson, Gulley, Hill, Jarrell, Justus, McCombs, McMahan, Michaux, Morgan, Rogers, Setzer Yongue and Earle, Majority Whip.

Consideration continued on COMMITTEE SUBSTITUTE FOR SENATE BILL 798-AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS which was before committee on October 24. Senator Miller was recognized and discussion on the bill continued. Representation Michaux complained about what he considers retrogression of the majority-minority districts. Senator Miller contended that the plan does not retrogress and quoted figures that supported his opinion. Representative Fitch also had objections to the plan. Representative Allred offered an amendment and was recognized to explain the amendment (a copy of which is attached and made a part of these minutes. Also attached is a map which reflects the districts set forth in the amendment) Representative Allred's main objection was what he considered the disenfranchisement of Alamance County. Representative Hackney spoke against the amendment. A roll call vote for adoption of the amendment was defeated by a fourteen to five vote. (Record of the roll call vote is attached) After further discussion, the chairman stated that no vote would be taken.

There being no further business, the meeting adjourned at 6:10 p.m.

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 798

Redistricting Committee Substitute Adopted 9/19/01

Short Title: Senate Redistricting - 1C. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-1 is rewritten to read:

"(a) For the purpose of nominating and electing members of the Senate in 2002 and every two years thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts so that each District elects one Senator, except that Districts 13, 16, 17, and 28 each elects two Senators, and the composition of each district is as follows:

District 1: Camden County, Chowan County, Currituck County, Dare County, Hyde County, Pasquotank County, Perquimans County, Tyrrell County, Washington County, Beaufort County: Precinct HUNTERS BRIDGE, Precinct BELHAVEN, Precinct NORTH CREEK, Precinct OLD FORD, Precinct RIVER ROAD, Precinct TRANTERS CREEK, Precinct WOODARDS POND, Precinct BEAVER DAM, Precinct PANTEGO, Precinct PINETOWN, Precinct SURRY BATH, Precinct WASHINGTON PARK.

District 2: Bertie County, Gates County, Hertford County, Northampton County, Warren County, Granville County: Precinct ANTIOCH, Precinct SALEM, Precinct SASSAFRAS FORK, Precinct WEST OXFORD ELEMENTARY; Halifax County: Precinct BUTTERWOOD, Precinct CONOCONNARA, Precinct HALIFAX, Precinct HOBGOOD, Precinct PALMYRA, Precinct ROSENEATH, Precinct SCOTLAND NECK 1, Precinct SCOTLAND NECK 2, Precinct ENFIELD 1, Precinct ENFIELD 2, Precinct ENFIELD 3, Precinct LITTLETON 1, Precinct LITTLETON 2, Precinct RINGWOOD, Precinct WELDON 1, Precinct WELDON 2, Precinct WELDON 3; Martin County: Precinct JAMESVILLE, Precinct WILLIAMS, Precinct BEARGRASS, Precinct GRIFFINS, Precinct WILLIAMSTON 1, Precinct WILLIAMSTON 2; Vance County: Precinct MIDDLEBURG, Precinct TOWNSVILLE, Precinct WILLIAMSBORO.

District 3: Craven County, Pamlico County, Beaufort County: Precinct BLOUNTS CREEK, Precinct AURORA, Precinct CHOCOWINITY, Precinct EDWARD, Precinct PS JONES WARD 3, Precinct WASHINGTON WARD 1, Precinct WASHINGTON WARD 2, Precinct WASHINGTON WARD 4, Precinct GILEAD; Carteret County: Precinct ATLANTIC, Precinct BETTIE, Precinct BEAUFORT 1, Precinct BEAUFORT 2, Precinct CEDAR ISLAND, Precinct MERRIMON, Precinct MOREHEAD 1, Precinct NORTH RIVER; Jones County: Precinct POLLOCKSVILLE, Precinct TRENTON, Precinct WHITE OAK; Pitt County: Precinct 11.01, Precinct 15.09, Precinct 11.02A, Precinct 11.02B, Precinct 15.07A: Tract 2: Block Group 2: Block 2013, Block 2014, Block 2015, Block 2016; Block Group 3: Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3021, Block 3022, Block 3023, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Precinct 15.07C, Precinct 15.08A, Precinct 15.08B: Tract 1: Block Group 1: Block 1000, Block 1999; Tract 2: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2017, Block 2018, Block 2019; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3019, Block 3020, Block 3024.

District 4: Carteret County: Precinct PINE KNOLL SHORES, Precinct ATLANTIC BEACH, Precinct BOGUE, Precinct BROAD CREEK, Precinct CEDAR POINT, Precinct DAVIS, Precinct EMERALD ISLE, Precinct HARKERS ISLAND, Precinct HARLOWE, Precinct INDIAN BEACH, Precinct MILL CREEK, Precinct MOREHEAD 2, Precinct MOREHEAD 3, Precinct MOREHEAD 4, Precinct NEWPORT 1, Precinct NEWPORT 2, Precinct PELETIER, Precinct SEALEVEL, Precinct SALTER PATH, Precinct STACY, Precinct STELLA, Precinct WILDWOOD, Precinct WILLISTON, Precinct WIREGRASS, Precinct CAPE CARTERET, Precinct MARSHALLBERG, Precinct OTWAY STRAITS CRU, Precinct SMYRNA; New Hanover County: Precinct WRIGHTSVILLE BEACH, Precinct HARNETT 1, Precinct HARNETT 2, Precinct HARNETT 3, Precinct HARNETT 4, Precinct HARNETT 5, Precinct HARNETT 6, Precinct HARNETT 8, Precinct HARNETT 9, Precinct MASONBORO 2, Precinct MASONBORO 4, Precinct MASONBORO 5, Precinct WILMINGTON 11, Precinct WILMINGTON 14, Precinct WILMINGTON 16: Tract 120.03: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1010, Block 1011, Block 1012, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026; Block Group 2: Block 2000, Block 2001; Block Group 3: Block 3000; Precinct WILMINGTON 17, Precinct WILMINGTON 18, Precinct FEDERAL POINT 1, Precinct FEDERAL POINT 2, Precinct FEDERAL POINT 3, Precinct FEDERAL POINT 4, Precinct FEDERAL POINT 5; Onslow County: Precinct BEAR CREEK, Precinct FOLKSTONE, Precinct HOLLY RIDGE, Precinct HUBERT, Precinct MORTONS, Precinct SNEADS FERRY, Precinct SWANSBORO, Precinct VERONA, Precinct Voting Districts not defined:

Tract 0: Block Group 0: Block 0997, Block 0998; Tract 1.01: Block Group 3: Block 3995, Block 3996, Block 3997, Block 3998; Tract 4: Block Group 1: Block 1992, Block 1993, Block 1995, Block 1997, Block 1999; Block Group 2: Block 2020, Block 2997; Block Group 5: Block 5003, Block 5996, Block 5997, Block 5998; Tract 5: Block Group 1: Block 1001, Block 1002, Block 1006, Block 1007, Block 1008, Block 1011, Block 1014, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1024, Block 1987, Block 1988, Block 1989, Block 1991, Block 1992, Block 1993, Block 1995, Block 1996, Block 1997, Block 1998; Pender County: Precinct LOWER TOPSAIL, Precinct SURF CITY, Precinct SCOTTS HILL, Precinct UPPER TOPSAIL.

District 5: Duplin County, Jones County: Precinct BEAVER CREEK, Precinct CYPRESS CREEK, Precinct CHINQUAPIN, Precinct TUCKAHOE; Lenoir County: Precinct NEUSE, Precinct FALLING CREEK, Precinct SAND HILL, Precinct SOUTHWEST; Onslow County: Precinct BRYNN MARR, Precinct CATHERINES LAKE, Precinct EAST NORTHWOODS, Precinct GUM BRANCH, Precinct HALF MOON, Precinct MILLS, Precinct NINE MILE, Precinct RICHLANDS, Precinct TAR LANDING, Precinct WEST NORTHWOODS, Precinct Voting Districts not defined: Tract 1.03: Block Group 1: Block 1029, Block 1030, Block 1032, Block 1043, Block 1044, Block 1052; Block Group 2: Block 2011, Block 2012; Tract 2: Block Group 6: Block 6001, Block 6003, Block 6006, Block 6007, Block 6009; Pender County: Precinct LOWER UNION, Precinct PENDERLEA, Precinct UPPER UNION; Sampson County: Precinct CENTRAL CLINTON, Precinct EAST CLINTON, Precinct NORTHEAST CLINTON, Precinct SOUTHWEST CLINTON, Precinct WEST CLINTON, Precinct GARLAND, Precinct HARRELLS, Precinct INGOLD, Precinct KEENER, Precinct KITTY FORK, Precinct ROWAN, Precinct SALEMBURG, Precinct TURKEY.

District 6: Wake County: Precinct 01-11, Precinct 01-18, Precinct 01-19, Precinct 01-20, Precinct 01-22, Precinct 01-25, Precinct 01-26, Precinct 01-34, Precinct 01-35, Precinct 01-36, Precinct 01-38, Precinct 01-40, Precinct 01-43, Precinct 01-44, Precinct 01-46, Precinct 01-51, Precinct 09-01, Precinct 09-02, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-02: Tract 540.10: Block Group 1: Block 1046, Block 1047, Block 1050, Block 1052, Block 1053, Block 1056, Block 1057, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1997, Block 1998, Block 1999; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-03, Precinct 16-01, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07.

District 7: New Hanover County: Precinct HARNETT 7, Precinct WILMINGTON 1, Precinct WILMINGTON 2, Precinct WILMINGTON 3, Precinct WILMINGTON 4, Precinct WILMINGTON 6, Precinct WILMINGTON 7, Precinct WILMINGTON 8, Precinct WILMINGTON 9, Precinct WILMINGTON 10, Precinct WILMINGTON 12, Precinct WILMINGTON 13, Precinct WILMINGTON 15, Precinct WILMINGTON 22, Precinct WILMINGTON 23, Precinct WILMINGTON 24, Precinct CAPE FEAR 1, Precinct CAPE FEAR 2, Precinct CAPE FEAR 3; Onslow County: Precinct CROSS ROADS, Precinct HAWS RUN, Precinct JACKSONVILLE, Precinct NORTHEAST, Precinct NEW RIVER, Precinct Voting Districts not defined: Tract 3: Block Group 3: Block 3026, Block 3027; Tract 5: Block Group 1: Block 1012, Block 1013, Block 1994; Tract 6: Block Group 1: Block 1003, Block 1997; Tract 7: Block Group 1: Block 1998; Tract 9: Block Group 1: Block 1003, Block 1995, Block 1996, Block 1997; Tract 10: Block Group 1: Block 1003, Block 1999; Tract 18: Block Group 2: Block 2995; Pender County: Precinct COLUMBIA, Precinct CASWELL, Precinct CANETUCK, Precinct GRADY, Precinct LONG CREEK, Precinct MIDDLE HOLLY, Precinct NORTH BURGAW, Precinct ROCKY POINT, Precinct SOUTH BURGAW, Precinct UPPER HOLLY.

District 8: Greene County, Wayne County, Lenoir County: Precinct INSTITUTE, Precinct VANCE, Precinct WOODINGTON, Precinct KINSTON 3, Precinct KINSTON 4, Precinct KINSTON 5, Precinct KINSTON 9, Precinct MOSELEY HALL, Precinct TRENT 1, Precinct TRENT 2, Precinct PINK HILL 1, Precinct PINK HILL 2.

District 9: Edgecombe County: Precinct 1-1, Precinct 1-2, Precinct 2-1, Precinct 3-1, Precinct 4-1, Precinct 5-1, Precinct 6-1, Precinct 7-1, Precinct 12-1, Precinct 12-2, Precinct 12-4, Precinct 12-5; Lenoir County: Precinct CONTENTNEA, Precinct KINSTON 1, Precinct KINSTON 2, Precinct KINSTON 6, Precinct KINSTON 7, Precinct KINSTON 8; Martin County: Precinct CROSS ROADS, Precinct GOOSE NEST, Precinct HAMILTON, Precinct HASSELL, Precinct POPLAR POINT, Precinct ROBERSONVILLE 1, Precinct ROBERSONVILLE 2; Nash County: Precinct ROCKY MOUNT 1, Precinct ROCKY MOUNT 2, Precinct ROCKY MOUNT 3, Precinct ROCKY MOUNT 4; Pitt County: Precinct 3.01, Precinct 4.01, Precinct 5.01, Precinct 6.01, Precinct 10.01, Precinct 12.01, Precinct 13.01, Precinct 14.02, Precinct 15.01, Precinct 15.03, Precinct 15.04, Precinct 15.06, Precinct 2.00B, Precinct 15.05A, Precinct 15.05B, Precinct 15.07A: Tract 1: Block Group 3: Block 3049, Block 3068, Block 3069; Tract 4: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018; Precinct 15.07B, Precinct 15.08B: Tract 2: Block Group 2: Block 2000, Block 2001, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2998; Precinct 15.10A, Precinct 15.10B, Precinct 15.11A, Precinct 15.11B, Precinct 15.12B.

District 10: Edgecombe County: Precinct 1-3, Precinct 1-4, Precinct 8-1, Precinct 9-1, Precinct 10-1, Precinct 11-1, Precinct 12-3, Precinct 13-1, Precinct 14-1; Halifax

County: Precinct HOLLISTER, Precinct ROANOKE RAPIDS 11, Precinct ROANOKE RAPIDS 2, Precinct ROANOKE RAPIDS 3, Precinct ROANOKE RAPIDS 4, Precinct ROANOKE RAPIDS 5, Precinct ROANOKE RAPIDS 6, Precinct ROANOKE RAPIDS 7, Precinct ROANOKE RAPIDS 8, Precinct ROANOKE RAPIDS 9, Precinct ROANOKE RAPIDS 10, Precinct ROANOKE RAPIDS 11, Precinct FAUCETT; Nash County: Precinct STONY CREEK, Precinct ROCKY MOUNT 5, Precinct ROCKY MOUNT 6, Precinct ROCKY MOUNT 7, Precinct ROCKY MOUNT 8, Precinct ROCKY MOUNT 9, Precinct NASHVILLE, Precinct ROCKY MOUNT 10, Precinct GRIFFINS, Precinct MANNINGS 1, Precinct MANNINGS 2, Precinct SOUTH WHITAKERS, Precinct CASTALIA, Precinct COOPERS, Precinct NORTH WHITAKERS 1, Precinct NORTH WHITAKERS 2, Precinct OAK LEVEL, Precinct RED OAK; Pitt County: Precinct 1.01, Precinct 7.01, Precinct 9.01, Precinct 2.00A, Precinct 8.00A, Precinct 8.00B, Precinct 14.03A, Precinct 14.03B, Precinct 15.12A; Wilson County: Precinct GARDNERS, Precinct SARATOGA, Precinct STANTONSBURG, Precinct TOISNOT, Precinct WILSON A, Precinct WILSON D, Precinct WILSON E, Precinct WILSON F, Precinct WILSON G, Precinct WILSON N.

District 11: Franklin County: Precinct TOWN OF LOUISBURG, Precinct LOUISBURG, Precinct WEST FRANKLINTON, Precinct DUNN, Precinct CYPRESS CREEK, Precinct CEDAR ROCK, Precinct GOLD MINE, Precinct SANDY CREEK, Precinct HAYESVILLE, Precinct PILOT, Precinct EAST FRANKLINTON; Johnston County: Precinct NORTH BEULAH, Precinct SOUTH BEULAH, Precinct MICRO, Precinct NORTH O'NEALS, Precinct SOUTH O'NEALS, Precinct EAST SELMA, Precinct WEST SELMA, Precinct EAST SMITHFIELD, Precinct NORTH SMITHFIELD, Precinct SOUTH SMITHFIELD, Precinct WILSON'S MILLS; Nash County: Precinct JACKSONS, Precinct BAILEY, Precinct DRYWELLS, Precinct FERRELLS; Vance County: Precinct EAST HENDERSON 1, Precinct EAST HENDERSON 2, Precinct NORTH HENDERSON 1, Precinct NORTH HENDERSON 2, Precinct SOUTH HENDERSON 1, Precinct SOUTH HENDERSON 2, Precinct WEST HENDERSON 1, Precinct WEST HENDERSON 2, Precinct DABNEY, Precinct HILLTOP, Precinct KITTRELL, Precinct SANDY SCREEK, Precinct WATKINS; Wilson County: Precinct BLACK CREEK, Precinct CROSSROADS, Precinct OLD FIELDS, Precinct SPRINGHILL, Precinct TAYLORS, Precinct WILSON B, Precinct WILSON C, Precinct WILSON H, Precinct WILSON I, Precinct WILSON J, Precinct WILSON K, Precinct WILSON L, Precinct WILSON M, Precinct WILSON P, Precinct WILSON Q.

District 12: Alleghany County, Ashe County, Surry County, Watauga County, Avery County: Precinct Banner Elk, Precinct Beech Mountain, Precinct Cranberry, Precinct Elk Park, Precinct Frank, Precinct Heaton, Precinct Hughes, Precinct Linville, Precinct Minneapolis, Precinct Montezuma, Precinct Newland 1, Precinct Newland 2, Precinct Plumtree, Precinct Pyatte, Precinct Roaring Creek.

District 13: Durham County, Granville County: Precinct BEREA, Precinct BRASSFIELD, Precinct BUTNER, Precinct CORINTH, Precinct CREDLE, Precinct CREEDMOOR, Precinct EAST OXFORD, Precinct OAK HILL, Precinct SOUTH OXFORD, Precinct TALLY HO; Wake County: Precinct 03-00, Precinct 04-08, Precinct 04-09, Precinct 04-13, Precinct 04-15, Precinct 04-17, Precinct 06-01, Precinct 12-03, Precinct 20-01, Precinct 20-02, Precinct 20-04, Precinct 20-06, Precinct 20-10.

District 14: Wake County: Precinct 01-01, Precinct 01-02, Precinct 01-03, Precinct 01-04, Precinct 01-05, Precinct 01-06, Precinct 01-07, Precinct 01-09, Precinct 01-10, Precinct 01-12, Precinct 01-13, Precinct 01-14, Precinct 01-15, Precinct 01-16, Precinct 01-17, Precinct 01-21, Precinct 01-23, Precinct 01-27, Precinct 01-28, Precinct 01-29, Precinct 01-30, Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-37, Precinct 01-39, Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04, Precinct 04-05, Precinct 04-11, Precinct 04-18, Precinct 07-01, Precinct 07-09, Precinct 11-01, Precinct 11-02, Precinct 16-02, Precinct 16-03, Precinct 16-04, Precinct 16-06, Precinct 16-07, Precinct 18-01, Precinct 18-06.

District 15: Harnett County: Precinct ANDERSON CREEK, Precinct AVERASBORO 1, Precinct AVERASBORO 2, Precinct AVERASBORO 3, Precinct AVERASBORO 4, Precinct AVERASBORO 5, Precinct BARBECUE, Precinct BLACK RIVER, Precinct DUKE1, Precinct DUKE2, Precinct DUKE3, Precinct GROVE 1, Precinct GROVE 2, Precinct JOHNSONVILLE, Precinct LILLINGTON, Precinct NEILLS CREEK 1, Precinct NEILLS CREEK 2, Precinct STEWARTS CREEK, Precinct UPPER LITTLE RIVER 1, Precinct UPPER LITTLE RIVER 2; Johnston County: Precinct SOUTH BANNER, Precinct WEST BANNER, Precinct BENTONVILLE, Precinct NORTH BOON HILL, Precinct SOUTH BOON HILL, Precinct EAST INGRAMS, Precinct WEST INGRAMS, Precinct NORTH MEADOW, Precinct SOUTH MEADOW, Precinct PINE LEVEL; Lee County: Precinct CAPE FEAR, Precinct DEEP RIVER, Precinct EAST JONESBORO, Precinct WEST JONESBORO, Precinct EAST SANFORD, Precinct WEST SANFORD 1, Precinct WEST SANFORD 2, Precinct WEST SANFORD 3; Sampson County: Precinct GIDDENSVILLE, Precinct NEWTON GROVE, Precinct WESTBROOK.

District 16: Chatham County, Orange County, Alamance County: Precinct MORTON, Precinct FAUCETTE, Precinct PLEASANT GROVE, Precinct HAW RIVER, Precinct BOONE 5, Precinct CENTRAL BOONE, Precinct NORTH BOONE, Precinct WEST BOONE, Precinct GRAHAM 3, Precinct GRAHAM 4, Precinct EAST GRAHAM, Precinct NORTH GRAHAM, Precinct SOUTH GRAHAM, Precinct WEST GRAHAM, Precinct NORTH THOMPSON, Precinct SOUTH THOMPSON, Precinct MELVILLE 3, Precinct NORTH MELVILLE, Precinct SOUTH MELVILLE, Precinct BURLINGTON 4, Precinct BURLINGTON 5, Precinct BURLINGTON 6, Precinct BURLINGTON 7, Precinct BURLINGTON 8, Precinct BURLINGTON 9, Precinct EAST BURLINGTON, Precinct NORTH BURLINGTON, Precinct SOUTH BURLINGTON, Precinct WEST BURLINGTON, Precinct BURLINGTON 10; Lee County: Precinct EAST POCKET, Precinct GREENWOOD, Precinct WEST

POCKET, Precinct CUMNOCK; Moore County: Precinct BENSALEM, Precinct CAMERON, Precinct CARTHAGE, Precinct EUREKA, Precinct ROBBINS, Precinct VASS, Precinct WEST MOORE, Precinct D-H-R.

District 17: Anson County, Montgomery County, Richmond County, Scotland County, Hoke County: Precinct ALLENDALE, Precinct BLUE SPRINGS, Precinct BUCHAN, Precinct McCAIN, Precinct RAEFORD 1, Precinct RAEFORD 2, Precinct RAEFORD 3, Precinct RAEFORD 4, Precinct RAEFORD 5; Moore County: Precinct EAST ABERDEEN, Precinct EASTWOOD, Precinct PINEBLUFF, Precinct PINEDENE, Precinct SEVEN LAKES, Precinct SOUTH SOUTHERN PINES, Precinct TAYLORTOWN, Precinct WEST ABERDEEN, Precinct WEST END; Stanly County: Precinct Albemarle 1, Precinct Albemarle 2, Precinct Albemarle 6, Precinct Albemarle 7, Precinct Albemarle 8, Precinct East Albemarle, Precinct East Center, Precinct North Albemarle, Precinct New London, Precinct South Albemarle, Precinct West Center, Precinct Albemarle 10, Precinct Albemarle 11, Precinct Big Lick 1, Precinct Ridenhour, Precinct Palmerville, Precinct Richfield, Precinct Badin, Precinct Tyson; Union County: Precinct 01, Precinct 02, Precinct 03, Precinct 04, Precinct 05, Precinct 06, Precinct 07, Precinct 08, Precinct 09, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 16, Precinct 21, Precinct 23, Precinct 24, Precinct 25, Precinct 26, Precinct 27, Precinct 29, Precinct 30, Precinct 32, Precinct 34, Precinct 35, Precinct 36, Precinct 38, Precinct 39, Precinct 42, Precinct 43.

District 18: Brunswick County, Columbus County, Bladen County: Precinct ABBOTTS, Precinct BETHEL, Precinct BROWN MARSH, Precinct CARVERS CREEK, Precinct FRENCHES CREEK, Precinct WHITES CREEK, Precinct BLADENBORO 1, Precinct BLADENBORO 2, Precinct ELIZABETHTOWN 1, Precinct ELIZABETHTOWN 2; New Hanover County: Precinct MASONBORO 3, Precinct WILMINGTON 5, Precinct WILMINGTON 16: Tract 120.03: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1027; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2051, Block 2052; Precinct WILMINGTON 19, Precinct WILMINGTON 20, Precinct WILMINGTON 21.

District 19: Davidson County: Precinct ABBOTTS CREEK, Precinct ARCADIA, Precinct GUMTREE, Precinct LEXINGTON 3, Precinct MIDWAY, Precinct NORTH DAVIDSON, Precinct REEDS YADKIN COLLEGE, Precinct REEDY CREEK, Precinct THOMASVILLE 8, Precinct TYRO, Precinct WALLBURG, Precinct WELCOME, Precinct WEST ARCADIA; Forsyth County: Precinct 011, Precinct 012, Precinct 015, Precinct 042, Precinct 043, Precinct 506; Guilford County: Precinct HP, Precinct Center Grove 1, Precinct Center Grove 2, Precinct Friendship 2, Precinct Friendship 3, Precinct Friendship 4, Precinct Friendship 5, Precinct Greensboro 27, Precinct Greensboro 30, Precinct Greensboro 32, Precinct Greensboro 33, Precinct Greensboro 34, Precinct Greensboro 39, Precinct Greensboro 64, Precinct High Point

13, Precinct High Point 14, Precinct High Point 15, Precinct High Point 16, Precinct High Point 21, Precinct High Point 22, Precinct High Point 23, Precinct High Point 24, Precinct High Point 25, Precinct High Point 26, Precinct High Point 27, Precinct Oak Ridge 1, Precinct Oak Ridge 2, Precinct Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3, Precinct Summerfield 4, Precinct Greensboro 40A, Precinct Greensboro 40B, Precinct North Center Grove, Precinct North Deep River, Precinct South Deep River, Precinct Stokesdale.

District 20: Forsyth County: Precinct 063, Precinct 064, Precinct 065, Precinct 081, Precinct 082, Precinct 083, Precinct 201, Precinct 203, Precinct 204, Precinct 205, Precinct 206, Precinct 207, Precinct 301, Precinct 302, Precinct 303, Precinct 304, Precinct 305, Precinct 306, Precinct 401, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 501, Precinct 502, Precinct 503, Precinct 504, Precinct 505, Precinct 507, Precinct 601, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 701, Precinct 702, Precinct 703, Precinct 704, Precinct 705, Precinct 706, Precinct 707, Precinct 803, Precinct 805, Precinct 806, Precinct 807, Precinct 808, Precinct 901, Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 907, Precinct 908.

District 21: Alamance County: Precinct PATTERSON, Precinct COBLE, Precinct ALBRIGHT, Precinct SOUTH BOONE, Precinct NORTH NEWLIN, Precinct SOUTH NEWLIN; Guilford County: Precinct Greene, Precinct Pleasant Garden 2, Precinct Jamestown 5, Precinct Sumner 4, Precinct North Clay, Precinct South Clay; Randolph County: Precinct ARCHDALE 1, Precinct ARCHDALE 2, Precinct ARCHDALE 3, Precinct ASHEBORO ARMORY, Precinct ASHEBORO EASTSIDE, Precinct ASHEBORO LINDLEY PARK, Precinct ASHEBORO LOFLIN, Precinct ASHEBORO McCRARY, Precinct ASHEBORO NORTH 1, Precinct ASHEBORO NORTH 2, Precinct ASHEBORO SOUTHPOINTE, Precinct ASHEBORO WESTSIDE, Precinct BACK CREEK, Precinct BROWER, Precinct CEDAR GROVE EAST, Precinct CEDAR GROVE WEST, Precinct COLERIDGE, Precinct FALLS, Precinct FRANKLINVILLE, Precinct GRANT, Precinct LEVEL CROSS, Precinct LIBERTY, Precinct NEW MARKET NORTH, Precinct NEW MARKET SOUTH, Precinct PLEASANT GROVE, Precinct PROSPECT, Precinct PROVIDENCE 1, Precinct PROVIDENCE 2, Precinct RAMSEUR, Precinct RANDLEMAN EAST, Precinct RANDLEMAN WEST, Precinct RICHLAND, Precinct STALEY, Precinct TABERNACLE, Precinct TRINITY EAST, Precinct TRINITY TABERNACLE, Precinct TRINITY WEST, Precinct UNION.

District 22: Cabarrus County: Precinct 0101, Precinct 0102, Precinct 0103, Precinct 0104, Precinct 0201, Precinct 0202, Precinct 0203, Precinct 0204, Precinct 0205, Precinct 0206, Precinct 0207, Precinct 0300, Precinct 0401, Precinct 0405, Precinct 0406, Precinct 0407, Precinct 0408, Precinct 0409, Precinct 0410, Precinct 1000, Precinct 1101, Precinct 1102, Precinct 1201, Precinct 1202, Precinct 1203, Precinct 1204, Precinct 1205, Precinct 1206, Precinct 1207, Precinct 1208, Precinct 1209, Precinct 1210, Precinct 1211, Precinct 1212; Mecklenburg County: Precinct 127,

Precinct 128, Precinct 234, Precinct 235, Precinct 236, Precinct 238, Precinct 239, Precinct 241, Precinct 201, Precinct 202, Precinct 206, Precinct 219, Precinct 221.

District 23: Davidson County: Precinct BOONE, Precinct CENTRAL, Precinct COTTON GROVE, Precinct LEXINGTON 1, Precinct LEXINGTON 2, Precinct LEXINGTON 4, Precinct WARD 1, Precinct WARD 2, Precinct WARD 3, Precinct WARD 4, Precinct WARD 5, Precinct WARD 6, Precinct SILVER HILL, Precinct SOUTHMONT, Precinct THOMASVILLE 2, Precinct THOMASVILLE 3, Precinct THOMASVILLE 7; Iredell County: Precinct Barringer, Precinct Coddle Creek 2, Precinct Chambersburg, Precinct Cool Springs, Precinct Statesville 1, Precinct Statesville 2, Precinct Statesville 3, Precinct Statesville 4, Precinct Statesville 5, Precinct Statesville 6, Precinct Turnersburg; Rowan County: Precinct Cleveland, Precinct Franklin, Precinct Milford Hills County, Precinct East Spencer, Precinct Scotch Irish, Precinct Spencer, Precinct Unity, Precinct West Ward II, Precinct West Ward I, Precinct South Ward, Precinct North Ward I, Precinct East Ward I, Precinct West Innes, Precinct North Ward II, Precinct Milford Hills City, Precinct West Ward III, Precinct East Ward II.

District 24: Bladen County: Precinct CENTRAL, Precinct COLLY, Precinct CYPRESS CREEK, Precinct HOLLOW, Precinct LAKE CREEK, Precinct TURNBULL, Precinct WHITE OAK; Cumberland County: Precinct CROSS CREEK 1, Precinct CROSS CREEK 2, Precinct CROSS CREEK 7, Precinct CROSS CREEK 8, Precinct CROSS CREEK 9, Precinct CUMBERLAND 2, Precinct CUMBERLAND 3, Precinct HOPE MILLS 2, Precinct PEARCES MILL 2, Precinct PEARCES MILL 3, Precinct PEARCES MILL 4, Precinct ALDERMAN, Precinct ARRAN HILLS, Precinct BEAVER DAM, Precinct CROSS CREEK 10, Precinct CROSS CREEK 11, Precinct CROSS CREEK 12, Precinct CROSS CREEK 14, Precinct CROSS CREEK 15, Precinct CROSS CREEK 18, Precinct CROSS CREEK 20, Precinct CROSS CREEK 21, Precinct CROSS CREEK 22, Precinct CROSS CREEK 24, Precinct CROSS CREEK 26, Precinct CROSS CREEK 29, Precinct CROSS CREEK 30, Precinct CROSS CREEK 31, Precinct CROSS CREEK 34, Precinct CEDAR CREEK, Precinct EASTOVER, Precinct JUDSON/VANDER, Precinct SHERWOOD, Precinct STEDMAN, Precinct WADE; Robeson County: Precinct PARKTON, Precinct NORTH ST PAULS, Precinct SOUTH ST PAULS; Sampson County: Precinct AUTRYVILLE, Precinct CLEMENT, Precinct HERRING, Precinct LAKEWOOD, Precinct ROSEBORO.

District 25: Cleveland County: Precinct Shelby 4, Precinct Shelby 5, Precinct Shelby 8: Tract 9502: Block Group 3: Block 3041; Tract 9508: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2008, Block 2009, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2039, Block 2040; Tract 9509: Block Group 1: Block 1003, Block 1004; Precinct Waco, Precinct Fallston, Precinct Lawndale; Gaston County: Precinct York Chester, Precinct Victory, Precinct Pleasant Ridge, Precinct Health Center, Precinct Myrtle, Precinct Highland,

Precinct Wood Hill, Precinct Grier, Precinct Sherwood, Precinct Armstrong, Precinct Flint Grove, Precinct Ranlo, Precinct Gardner Park, Precinct Robinson 1, Precinct Robinson 2, Precinct Ashbrook, Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Lowell, Precinct Tryon, Precinct Landers Chapel, Precinct Cherryville 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct High Shoals, Precinct Dallas 1, Precinct Dallas 2; Lincoln County: Precinct Boger City, Precinct Crouse, Precinct Daniels/Vale, Precinct Hickory Grove, Precinct Heavners, Precinct Lithia, Precinct Love Memorial, Precinct Lincolnton North, Precinct Lincolnton South, Precinct Long Shoals, Precinct North Brook I/II, Precinct Salem.

District 26: Catawba County, Iredell County: Precinct Fallstown, Precinct Shiloh; Lincoln County: Precinct Asbury, Precinct Buffalo Shoals, Precinct North Brook III, Precinct Pumpkin Center.

District 27: Davie County, Wilkes County, Yadkin County, Iredell County: Precinct Bethany, Precinct Concord, Precinct Eagle Mills, Precinct New Hope, Precinct Olin, Precinct Sharpesburg, Precinct Union Grove.

District 28: Madison County, Yancey County, Buncombe County: Precinct Asheville 1, Precinct Asheville 2, Precinct Asheville 3, Precinct Asheville 4, Precinct Asheville 5, Precinct Asheville 6, Precinct Asheville 7, Precinct Asheville 8, Precinct Asheville 9, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 12, Precinct Asheville 13, Precinct Asheville 14, Precinct Asheville 15, Precinct Asheville 16, Precinct Asheville 17, Precinct Asheville 20, Precinct Asheville 21, Precinct Asheville 22, Precinct Asheville 23, Precinct Asheville 24, Precinct Asheville 25, Precinct Averys Creek (30), Precinct Black Mountain 1 (32), Precinct Black Mountain 2 (33), Precinct Black Mountain 3 (34), Precinct Black Mountain 5 (36), Precinct Flat Creek (40), Precinct French Broad (41), Precinct Hazel 1 (42), Precinct Hazel 2 (43), Precinct Lower Hominy 1 (44), Precinct Lower Hominy 2 (45), Precinct Lower Hominy 3 (46), Precinct Upper Hominy 2 (48), Precinct Leicester 1 (52), Precinct Limestone 1 (54), Precinct Limestone 3 (56), Precinct North Buncombe (58), Precinct Reems Creek (59), Precinct Reynolds (60), Precinct Swannanoa 1 (64), Precinct Weaverville (67), Precinct West Buncombe 1 (68, 681), Precinct West Buncombe 2 (69), Precinct Woodfin (70), Precinct Woodland Hills (71), Precinct Asheville 28, Precinct Asheville 27, Precinct Black Mountain 4 (35), Precinct Upper Hominy CRU (47, 49), Precinct Ivy CRU (50, 51), Precinct Leicester Sandy Mush CRU (63, 53), Precinct Riceville Swannanoa CRU 2 (62, 66), Precinct Riceville Swannanoa 2 CRU (61, 65); Burke County: Precinct Drexel 1, Precinct Jonas Ridge, Precinct Linville 1, Precinct Linville 2, Precinct Lower Creek, Precinct Morganton 1, Precinct Morganton 4, Precinct Morganton 5, Precinct Morganton 6, Precinct Morganton 7, Precinct Morganton 8, Precinct Morganton 9, Precinct Morganton 10, Precinct Quaker Meadows 1, Precinct Quaker Meadows 2, Precinct Silver Creek 1, Precinct Silver Creek 2, Precinct Silver Creek 3, Precinct Upper Creek; McDowell County: Precinct Marion 1, Precinct Marion 2, Precinct Marion 3, Precinct Marion 4, Precinct Marion 5, Precinct Pleasant Gardens,

Precinct West Marion, Precinct Dysartsville, Precinct Higgins, Precinct Nebo, Precinct Old Fort 1, Precinct Old Fort 2.

District 29: Cherokee County, Graham County, Swain County, Clay County: Precinct Brasstown, Precinct Hayesville 1, Precinct Hayesville Central, Precinct Tusquittee; Haywood County: Precinct Allens Creek, Precinct Big Creek, Precinct Crabtree, Precinct Center Waynesville, Precinct East Fork, Precinct East Waynesville, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Pigeon, Precinct Saunook, Precinct White Oak, Precinct West Waynesville, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 7, Precinct Center Pigeon, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct North Clyde, Precinct South Clyde, Precinct South Waynesville 1, Precinct South Waynesville 2, Precinct Beaverdam 5-6; Jackson County: Precinct Barkers Creek, Precinct Canada, Precinct Caney Fork, Precinct Cullowhee, Precinct Dillsboro, Precinct Greens Creek, Precinct Qualla, Precinct River, Precinct Savannah, Precinct Sylva North Ward, Precinct Sylva South Ward, Precinct Webster, Precinct Scotts Creek CRU; Macon County: Precinct North Franklin, Precinct South Franklin: Tract 9703: Block Group 2: Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029; Block Group 6: Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6006, Block 6007, Block 6008, Block 6009, Block 6036, Block 6037, Block 6038, Block 6039, Block 6040; Block Group 7: Block 7035, Block 7036, Block 7037, Block 7038, Block 7040; Tract 9706: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003; Tract 9707: Block Group 1: Block 1027; Precinct East Franklin, Precinct Iotla, Precinct Union, Precinct Cowee; Transylvania County: Precinct Brevard 1, Precinct Brevard 2, Precinct Brevard 3, Precinct Brevard 4, Precinct Boyd, Precinct Pisgah Forest.

District 30: Cumberland County: Precinct HOPE MILLS 1, Precinct HOPE MILLS 3, Precinct STONEY POINT; Hoke County: Precinct ANTIOCH, Precinct PUPPY CREEK, Precinct ROCKFISH, Precinct STONEWALL, Precinct Voting Districts not defined; Moore County: Precinct KNOLLWOOD, Precinct LITTLE RIVER, Precinct NORTH SOUTHERN PINES, Precinct PINEHURST A, Precinct PINEHURST B, Precinct PINEHURST C; Robeson County: Precinct ALFORDSVILLE, Precinct BLACK SWAMP, Precinct BRITTS, Precinct BURNT SWAMP, Precinct FAIRMONT 1, Precinct FAIRMONT 2, Precinct GADDY, Precinct EAST HOWELLSVILLE, Precinct WEST HOWELLSVILLE, Precinct LUMBER BRIDGE, Precinct LUMBERTON 1, Precinct LUMBERTON 2, Precinct LUMBERTON 3, Precinct LUMBERTON 4, Precinct LUMBERTON 5, Precinct LUMBERTON 6, Precinct LUMBERTON 7, Precinct LUMBERTON 8, Precinct MAXTON, Precinct ORRUM,

Precinct NORTH PEMBROKE, Precinct SOUTH PEMBROKE, Precinct PHILADEPLUS, Precinct RAFT SWAMP, Precinct RED SPRINGS 1, Precinct RED SPRINGS 2, Precinct RENNERT, Precinct ROWLAND, Precinct SADDLETREE, Precinct SHANNON, Precinct OXENDINE, Precinct PROSPECT, Precinct SMYRNA, Precinct STERLINGS, Precinct THOMPSON, Precinct UNION, Precinct WHITEHOUSE, Precinct WISHARTS.

District 31: Guilford County: Precinct Greensboro 3, Precinct Greensboro 4, Precinct Greensboro 5, Precinct Greensboro 6, Precinct Greensboro 46, Precinct Greensboro 52, Precinct Greensboro 53, Precinct Greensboro 54, Precinct Greensboro 55, Precinct Greensboro 65, Precinct Greensboro 66, Precinct Greensboro 67, Precinct Greensboro 68, Precinct Greensboro 69, Precinct Greensboro 70, Precinct Greensboro 71, Precinct Greensboro 72, Precinct Greensboro 73, Precinct Greensboro 74, Precinct Greensboro 75, Precinct Gibsonville, Precinct High Point 1, Precinct High Point 2, Precinct High Point 3, Precinct High Point 4, Precinct High Point 5, Precinct High Point 6, Precinct High Point 7, Precinct High Point 8, Precinct High Point 9, Precinct High Point 10, Precinct High Point 11, Precinct High Point 18, Precinct Pleasant Garden 1, Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Fentress 1, Precinct Fentress 2, Precinct Jamestown 3, Precinct Jamestown 4, Precinct Jefferson 1, Precinct Jefferson 2, Precinct Jefferson 3, Precinct Jefferson 4, Precinct Monroe 1, Precinct Monroe 3, Precinct North Madison, Precinct South Madison, Precinct Sumner 1, Precinct Sumner 2, Precinct Sumner 3, Precinct North Washington, Precinct South Washington.

District 32: Guilford County: Precinct Center Grove 3, Precinct Friendship 1, Precinct Greensboro 1, Precinct Greensboro 2, Precinct Greensboro 7, Precinct Greensboro 9, Precinct Greensboro 10, Precinct Greensboro 11, Precinct Greensboro 12, Precinct Greensboro 13, Precinct Greensboro 14, Precinct Greensboro 15, Precinct Greensboro 16, Precinct Greensboro 17, Precinct Greensboro 18, Precinct Greensboro 19, Precinct Greensboro 20, Precinct Greensboro 21, Precinct Greensboro 22, Precinct Greensboro 23, Precinct Greensboro 24, Precinct Greensboro 25, Precinct Greensboro 26, Precinct Greensboro 28, Precinct Greensboro 29, Precinct Greensboro 31, Precinct Greensboro 35, Precinct Greensboro 36, Precinct Greensboro 37, Precinct Greensboro 38, Precinct Greensboro 41, Precinct Greensboro 42, Precinct Greensboro 43, Precinct Greensboro 44, Precinct Greensboro 45, Precinct Greensboro 47, Precinct Greensboro 48, Precinct Greensboro 49, Precinct Greensboro 50, Precinct Greensboro 51, Precinct Greensboro 56, Precinct Greensboro 57, Precinct Greensboro 58, Precinct Greensboro 59, Precinct Greensboro 60, Precinct Greensboro 61, Precinct Greensboro 62, Precinct Greensboro 63, Precinct Greensboro 8, Precinct High Point 12, Precinct High Point 17, Precinct High Point 19, Precinct High Point 20, Precinct Jamestown 1, Precinct Jamestown 2, Precinct Monroe 2.

District 33: Mecklenburg County: Precinct 011, Precinct 012, Precinct 013, Precinct 014, Precinct 016, Precinct 022, Precinct 025, Precinct 027, Precinct 031, Precinct 039, Precinct 042, Precinct 050, Precinct 052, Precinct 054, Precinct 055, Precinct 056, Precinct 057, Precinct 058, Precinct 059, Precinct 060, Precinct 073, Precinct 075,

Precinct 076, Precinct 077, Precinct 082, Precinct 087, Precinct 088, Precinct 092, Precinct 097, Precinct 098, Precinct 101, Precinct 104, Precinct 111, Precinct 114, Precinct 120, Precinct 225, Precinct 231, Precinct 129, Precinct 210, Precinct 222.

District 34: Mecklenburg County: Precinct 004, Precinct 023, Precinct 024, Precinct 026, Precinct 040, Precinct 041, Precinct 053, Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 089, Precinct 105, Precinct 107, Precinct 116, Precinct 122, Precinct 123, Precinct 126, Precinct 228, Precinct 229, Precinct 230, Precinct 237, Precinct 243, Precinct 132, Precinct 135, Precinct 138, Precinct 141, Precinct 200, Precinct 203, Precinct 204, Precinct 205, Precinct 209, Precinct 211, Precinct 212, Precinct 213, Precinct 214, Precinct 223, Precinct 224.

District 35: Mecklenburg County: Precinct 008, Precinct 019, Precinct 032, Precinct 048, Precinct 065, Precinct 067, Precinct 068, Precinct 069, Precinct 070, Precinct 071, Precinct 072, Precinct 074, Precinct 085, Precinct 086, Precinct 090, Precinct 091, Precinct 093, Precinct 096, Precinct 100, Precinct 103, Precinct 106, Precinct 110, Precinct 112, Precinct 113, Precinct 118, Precinct 119, Precinct 121, Precinct 226, Precinct 227, Precinct 232, Precinct 233, Precinct 131, Precinct 136, Precinct 137, Precinct 139, Precinct 140, Precinct 144, Precinct 215, Precinct 216, Precinct 217, Precinct 218, Precinct 220; Union County: Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 22, Precinct 28, Precinct 31, Precinct 33, Precinct 37, Precinct 40, Precinct 41.

District 36: Franklin County: Precinct WEST YOUNGSVILLE, Precinct EAST HARRIS, Precinct PEARCES, Precinct EAST YOUNGSVILLE, Precinct WEST HARRIS; Wake County: Precinct 01-42, Precinct 01-45, Precinct 01-47, Precinct 02-01, Precinct 02-02, Precinct 02-03, Precinct 02-04, Precinct 02-05, Precinct 02-06, Precinct 05-00, Precinct 07-02, Precinct 07-03, Precinct 07-04, Precinct 07-05, Precinct 07-06, Precinct 07-07, Precinct 07-10, Precinct 07-11, Precinct 07-12, Precinct 14-01, Precinct 14-02, Precinct 19-01, Precinct 19-02, Precinct 19-03, Precinct 19-04, Precinct 19-05, Precinct 19-06, Precinct 19-07, Precinct 19-08.

District 37: Rutherford County, Cleveland County: Precinct Shelby 1, Precinct Shelby 2, Precinct Shelby 3, Precinct Shelby 6, Precinct Shelby 7, Precinct Shelby 8: Tract 9508: Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Tract 9509: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021; Precinct Kings Mountain 1, Precinct Kings Mountain 2, Precinct Kings Mountain 3, Precinct Kings Mountain 4, Precinct Lattimore, Precinct Boiling Springs, Precinct Mulls, Precinct Oak Grove, Precinct Rippy, Precinct Bethware, Precinct Grover, Precinct Hot Springs,

Precinct Kingstown, Precinct MRB-YO, Precinct Polkville, Precinct Shanghai; Polk County: Precinct Tryon 1, Precinct Tryon 3, Precinct White Oak, Precinct Columbus 1, Precinct Columbus 2, Precinct Green Creek.

District 38: Cabarrus County: Precinct 0402, Precinct 0403, Precinct 0404, Precinct 0500, Precinct 0600, Precinct 0700, Precinct 0800, Precinct 0900; Davidson County: Precinct DENTON, Precinct EMMONS, Precinct HEALING SPRINGS, Precinct HOLLY GROVE, Precinct LIBERTY, Precinct SILVER VALLEY, Precinct SOUTH DAVIDSON, Precinct THOMASVILLE 1, Precinct THOMASVILLE 4, Precinct THOMASVILLE 5, Precinct THOMASVILLE 9, Precinct THOMASVILLE 10; Randolph County: Precinct CONCORD, Precinct NEW HOPE; Rowan County: Precinct Barnhardt Mill, Precinct Blackwelder Park, Precinct Bostian Crossroads, Precinct Bradshaw, Precinct North China Grove, Precinct South China Grove, Precinct South Locke, Precinct East Enochville, Precinct Faith, Precinct Rock Grove, Precinct Granite Quarry, Precinct Hatters Shop, Precinct West Kannapolis, Precinct East Kannapolis, Precinct West Landis, Precinct East Landis, Precinct North Locke, Precinct Morgan I, Precinct Morgan II, Precinct Mount Ulla, Precinct Rockwell, Precinct Gold Knob, Precinct Steele, Precinct Sumner, Precinct Trading Ford, Precinct Bostian School, Precinct West Enochville; Stanly County: Precinct Furr 1, Precinct Furr 2, Precinct Big Lick 2, Precinct Endy, Precinct Almond.

District 39: Gaston County: Precinct Forest Heights, Precinct Gaston Day, Precinct South Gastonia, Precinct Crowders Mountain, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont 3, Precinct Catawba Heights, Precinct Southpoint, Precinct Cramerton, Precinct New Hope, Precinct McAdenville, Precinct Union, Precinct Alexis, Precinct Lucia, Precinct Stanley 1, Precinct Stanley 2, Precinct Mt Holly 1, Precinct Mt Holly 2; Iredell County: Precinct Coddle Creek 1, Precinct Coddle Creek 3, Precinct Coddle Creek 4, Precinct Davidson 1, Precinct Davidson 2; Lincoln County: Precinct Denver, Precinct Iron Station, Precinct Lowesville, Precinct Triangle, Precinct Westport; Mecklenburg County: Precinct 240, Precinct 242, Precinct 133, Precinct 134, Precinct 142, Precinct 143, Precinct 207, Precinct 208.

District 40: Mecklenburg County: Precinct 001, Precinct 002, Precinct 003, Precinct 005, Precinct 006, Precinct 007, Precinct 009, Precinct 010, Precinct 015, Precinct 017, Precinct 018, Precinct 020, Precinct 021, Precinct 028, Precinct 029, Precinct 030, Precinct 033, Precinct 034, Precinct 035, Precinct 036, Precinct 037, Precinct 038, Precinct 043, Precinct 044, Precinct 045, Precinct 046, Precinct 047, Precinct 049, Precinct 051, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 066, Precinct 083, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct 102, Precinct 108, Precinct 109, Precinct 115, Precinct 117, Precinct 124, Precinct 125, Precinct 130.

District 41: Cumberland County: Precinct CROSS CREEK 3, Precinct CROSS CREEK 4, Precinct CROSS CREEK 5, Precinct CROSS CREEK 6, Precinct CUMBERLAND 1, Precinct MORGANTON ROAD, Precinct AUMAN, Precinct BLACK RIVER, Precinct BRENTWOOD, Precinct CROSS CREEK 13, Precinct

CROSS CREEK 16, Precinct CROSS CREEK 17, Precinct CROSS CREEK 19, Precinct CROSS CREEK 23, Precinct CROSS CREEK 25, Precinct CROSS CREEK 27, Precinct CROSS CREEK 28, Precinct CROSS CREEK 32, Precinct CROSS CREEK 33, Precinct CLIFFDALE WEST, Precinct LINDEN, Precinct LONG HILL, Precinct LAKE RIM, Precinct MANCHESTER, Precinct MONTIBELLO, Precinct SPRING LAKE, Precinct WEST AREA; Sampson County: Precinct MINGO, Precinct PLAINVIEW.

District 42: Henderson County, Buncombe County: Precinct Asheville 18, Precinct Asheville 19, Precinct Biltmore (31), Precinct Broad River (37), Precinct Fairview 1 (38), Precinct Fairview 2 (39), Precinct Limestone 2 (55), Precinct Limestone 4 (57), Precinct Asheville 29; Clay County: Precinct Hayesville 2, Precinct Hiawassee, Precinct Shooting Creek, Precinct Sweetwater, Precinct Warne; Haywood County: Precinct Cecil; Jackson County: Precinct Cashiers, Precinct Hamburg, Precinct Mountain; McDowell County: Precinct Crooked Creek, Precinct Glenwood, Precinct Montford Cove; Macon County: Precinct South Franklin: Tract 9703: Block Group 6: Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6025, Block 6026, Block 6030, Block 6031, Block 6032, Block 6033, Block 6034, Block 6035; Block Group 8: Block 8038, Block 8047, Block 8048; Tract 9707: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1038; Precinct Millshoal, Precinct Ellijay, Precinct Sugarfork, Precinct Highlands, Precinct Flats, Precinct Smithbridge, Precinct Cartoogechaye, Precinct Nantahala, Precinct Burningtown; Polk County: Precinct Tryon 2, Precinct Saluda, Precinct Cooper Gap; Transylvania County: Precinct Catheys Creek, Precinct Cedar Mountain, Precinct Dunns Rock, Precinct Little River, Precinct Williamson Creek, Precinct Hogback CRU, Precinct Gloucester CRU, Precinct Eastatoe CRU.

District 43: Caswell County, Person County, Rockingham County, Stokes County: Precinct EAST WALNUT COVE, Precinct WEST WALNUT COVE, Precinct FREEMAN, Precinct PINE HALL.

District 44: Harnett County: Precinct BUCKHORN, Precinct HECTORS CREEK; Johnston County: Precinct NORTH BANNER, Precinct EAST CLAYTON, Precinct NORTH CLAYTON, Precinct WEST CLAYTON, Precinct NORTH CLEVELAND, Precinct NORTH ELEVATION, Precinct SOUTH ELEVATION, Precinct PLEASANT GROVE, Precinct WILDERS, Precinct SOUTH CLEVELAND, Precinct SOUTH CLAYTON; Wake County: Precinct 04-06, Precinct 04-07, Precinct 04-10, Precinct 04-12, Precinct 04-14, Precinct 04-16, Precinct 04-19, Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct 12-04, Precinct 12-06, Precinct 15-01, Precinct 15-02, Precinct 16-05, Precinct 18-02, Precinct 18-03, Precinct 18-04, Precinct 18-05, Precinct 18-08, Precinct 20-03, Precinct 20-05.

District 45: Alexander County, Caldwell County, Mitchell County, Avery County: Precinct Altamont, Precinct Carey's Flat, Precinct Ingalls, Precinct Pineola; Burke County: Precinct Drexel 3, Precinct Icard 1, Precinct Icard 2, Precinct Icard 3, Precinct Icard 4, Precinct Icard 5, Precinct Lovelady 1, Precinct Lovelady 2, Precinct Lovelady 4, Precinct Lower Fork, Precinct Smoky Creek, Precinct Upper Fork; Cleveland County: Precinct Casar; McDowell County: Precinct North Cove, Precinct Turkey Cove.

District 46: Forsyth County: Precinct 013, Precinct 014, Precinct 021, Precinct 031, Precinct 032, Precinct 033, Precinct 034, Precinct 051, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 061, Precinct 062, Precinct 066, Precinct 067, Precinct 068, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 091, Precinct 092, Precinct 101, Precinct 111, Precinct 112, Precinct 122, Precinct 123, Precinct 131, Precinct 132, Precinct 133, Precinct 602, Precinct 708, Precinct 709, Precinct 801, Precinct 802, Precinct 804, Precinct 809, Precinct 906, Precinct 909; Stokes County: Precinct DANBURY, Precinct SANDY RIDGE, Precinct LAWSONVILLE, Precinct CHESTNUT GROVE, Precinct FRANCISCO, Precinct FRANS, Precinct REYNOLDS, Precinct FLINTY KNOLL, Precinct PINNACLE, Precinct EAST KING, Precinct WEST KING, Precinct MOUNT OLIVE, Precinct MIZPAH, Precinct WILSONS STORE, Precinct GERMANTON, Precinct MITCHELL.

(b) The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 2000 United States Census. Boundaries are as shown on the Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, to reflect precincts divided or renamed as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in Vance County SANDY SCREEK is, in fact, SANDY CREEK.

(c) The Legislative Services Office modified on its computer database some of the precincts shown on the Redistricting Census 2000 TIGER Files to reflect precincts divided or renamed by county boards of elections after the TIGER Files were completed. As a result, precincts are shown differently on the Legislative Services Office computer database from the TIGER Files in the following counties:

(1) Buncombe County:

a. Precinct Asheville 4 in TIGER is shown as Precincts Asheville 4 and Asheville 28.

b. Precinct Asheville 22 in TIGER is shown as Precincts Asheville 22 and Asheville 27.

c. Precinct Asheville 19 in TIGER is shown as Precincts Asheville 19 and Asheville 29.

d. Precinct Riceville Swannanoa 2 CRU in TIGER is shown as Precincts Riceville Swannanoa 2 CRU and Riceville Swannanoa CRU 2.

e. Precinct Black Mountain 3 in TIGER is shown as Precincts Black Mountain 3 and Black Mountain 4.

(2) Cabarrus County:

a. Precinct 0202 in TIGER is shown as Precincts 0202 and 0207.

b. Precinct 1209 in TIGER is shown as Precincts 1209 and 1212.

(3) Caldwell County: Precinct Lovelady in TIGER is shown as Precincts Lovelady1 and Lovelady2.

(4) Chatham County:

a. Precinct North Williams in TIGER is shown as Precincts North Williams and North Williams 2.

b. Precinct East Williams in TIGER is shown as Precincts East Williams and East Williams 2.

(5) Craven County: Precinct Havelock in TIGER is shown as Precincts Havelock East and Havelock West.

(6) Franklin County: Precinct Harris in TIGER is shown as Precincts East Harris and West Harris.

(7) Guilford County: Precinct Greensboro 40 in TIGER is shown as Precincts Greensboro 40A and Greensboro 40B.

(8) Johnston County: Precinct East Clayton in TIGER is shown as Precincts East Clayton and South Clayton.

(9) Orange County:

a. Precinct Frank Porter Graham in TIGER is renamed Precinct Damascus 1.

b. Precinct Dogwood Acres in TIGER is shown as Precincts Dogwood Acres and Damascus 2.

(10) Rowan County:

a. Precinct Bostian Crossroads in TIGER is shown as Precincts Bostian Crossroads and Rock Grove.

b. Precinct Enochville in TIGER is shown as Precincts Enochville and West Enochville.

(11) Wake County:

a. Precinct 01-32 in TIGER is shown as Precincts 01-32 and 01-49.

b. Precinct 07-06 in TIGER is shown as Precincts 07-06 and 07-11.

c. Precinct 10-01 in TIGER is shown as Precincts 10-01 and 10-04.

d. Precinct 10-02 in TIGER is shown as Precincts 10-02 and 10-03.

e. Precinct 01-43 in TIGER is shown as Precincts 01-43 and 01-51.
f. Precinct 07-02 in TIGER is shown as Precincts 07-02 and 07-12.
g. Precinct 08-04 in TIGER is shown as Precincts 08-04 and 08-08.
h. Precinct 12-02 in TIGER is shown as Precincts 12-02 and 12-06.
i. Precinct 18-03 in TIGER is shown as Precincts 18-03 and 18-08.
j. Precinct 19-02 in TIGER is shown as Precincts 19-02 and 19-06.
k. Precinct 19-03 in TIGER is shown as Precincts 19-03 and 19-07.
l. Precinct 19-04 in TIGER is shown as Precincts 19-04 and 19-08.
m. Precinct 20-04 in TIGER is shown as Precincts 20-04 and 20-10.
n. Precinct 01-32 in TIGER is shown as Precincts 01-32 and 01-49.

(d) If any precinct boundary is changed, that change shall not change the boundary of a senatorial district, which shall remain the same.

(e) If this section does not specifically assign any area within North Carolina to a district, and the area is:

(1) Entirely surrounded by a single district, the area shall be deemed to have been assigned to that district.
(2) Contiguous to two or more districts, the area shall be deemed to have been assigned to that district which contains the least population according to the 2000 United States Census.
(3) Contiguous to only one district and to another state or the Atlantic Ocean, the area shall be deemed to have been assigned to that district."

SECTION 2. If Senate Bill 35 of the 2001 General Assembly becomes law, then G.S. 120-1(b) as rewritten by Section 1 of this act reads as rewritten:

"(b) The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 2000 United States Census. Boundaries are as shown on the Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, to reflect precincts divided or renamed as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in Vance County SANDY SCREEK is, in fact, SANDY CREEK. If the boundary line between Iredell and Mecklenburg Counties in the Redistricting Census 2000 TIGER Files conflicts with that provided by

Section 1 of Session Law 1998-15 as amended, Section 1 of Session Law 1998-15 as amended prevails to the extent of the conflict."

SECTION 3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 798

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S798-ALB-158 [v.1]

Date November 5 ,2001

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Representative Allred

moves to amend the bill on page 1, line 9, by deleting "16,"

further moves to amend the bill on page 6, line 31, through page 7, line 3, by rewriting those lines to read:

"District 16: Chatham County, Lee County: Precinct EAST POCKET, Precinct GREENWOOD, Precinct WEST POCKET, Precinct CUMNOCK; Moore County: Precinct BENSALEM, Precinct CAMERON, Precinct CARTHAGE, Precinct EUREKA, Precinct ROBBINS, Precinct VASS, Precinct WEST MOORE, Precinct D-H-R; Orange County: Precinct ENO, Precinct HILLSBOROUGH, Precinct BOOKER CREEK, Precinct BATTLE PARK, Precinct COUNTRY CLUB, Precinct CEDAR FALLS, Precinct COKER HILLS, Precinct COLONIAL HEIGHTS, Precinct CAMERON PARK, Precinct DOGWOOD ACRES, Precinct EAST FRANKLIN, Precinct ESTES HILLS, Precinct EASTSIDE, Precinct GRADY BROWN, Precinct GLENWOOD, Precinct GREENWOOD, Precinct KINGS MILL, Precinct LINCOLN, Precinct MASON FARM, Precinct NORTHSIDE, Precinct PATTERSON, Precinct RIDGEFIELD, Precinct ST. MARYS, Precinct WEAVER DAIRY, Precinct WEST HILLSBOROUGH, Precinct WESTWOOD, Precinct WEAVER DAIRY."

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 798

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

S798-ALB-158 [v.1]

Further moves to amend the bill on page 8, lines 18-35, by rewriting those lines to read:

"District 21: Alamance County: Precinct PATTERSON, Precinct COBLE, Precinct NORTH NEWLIN, Precinct SOUTH NEWLIN; Guilford County: Precinct Greene, Precinct Pleasant Garden 2, Precinct Jamestown 5, Precinct Sumner 4, Precinct North Clay, Precinct South Clay; Randolph County: Precinct ARCHDALE 1, Precinct ARCHDALE 2, Precinct ARCHDALE 3, Precinct ASHEBORO ARMORY, Precinct ASHEBORO EASTSIDE, Precinct ASHEBORO LINDLEY PARK, Precinct ASHEBORO LOFLIN, Precinct ASHEBORO McCRARY, Precinct ASHEBORO NORTH 1, Precinct ASHEBORO NORTH 2, Precinct ASHEBORO SOUTHPOINTE, Precinct ASHEBORO WESTSIDE, Precinct BACK CREEK, Precinct BROWER, Precinct CEDAR GROVE EAST, Precinct CEDAR GROVE WEST, Precinct COLERIDGE, Precinct FALLS, Precinct FRANKLINVILLE, Precinct GRANT, Precinct LEVEL CROSS, Precinct LIBERTY, Precinct NEW MARKET NORTH, Precinct NEW MARKET SOUTH, Precinct PLEASANT GROVE, Precinct PROSPECT, Precinct PROVIDENCE 1, Precinct PROVIDENCE 2, Precinct RAMSEUR, Precinct RANDLEMAN EAST, Precinct RANDLEMAN WEST, Precinct RICHLAND, Precinct STALEY, Precinct TABERNACLE, Precinct TRINITY EAST, Precinct TRINITY TABERNACLE, Precinct TRINITY WEST, Precinct UNION."

further moves to amend the bill on page 16, line 20, by adding the following between lines 20 and 21:

"District 47: Alamance County: Precinct MORTON, Precinct FAUCETTE, Precinct ALBRIGHT, Precinct PLEASANT GROVE, Precinct HAW RIVER, Precinct BOONE 5, Precinct CENTRAL BOONE, Precinct NORTH BOONE, Precinct SOUTH BOONE, Precinct WEST BOONE, Precinct GRAHAM 3, Precinct GRAHAM 4, Precinct EAST GRAHAM, Precinct NORTH GRAHAM, Precinct SOUTH GRAHAM, Precinct WEST GRAHAM, Precinct NORTH THOMPSON, Precinct SOUTH THOMPSON, Precinct MELVILLE 3, Precinct NORTH

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 798

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

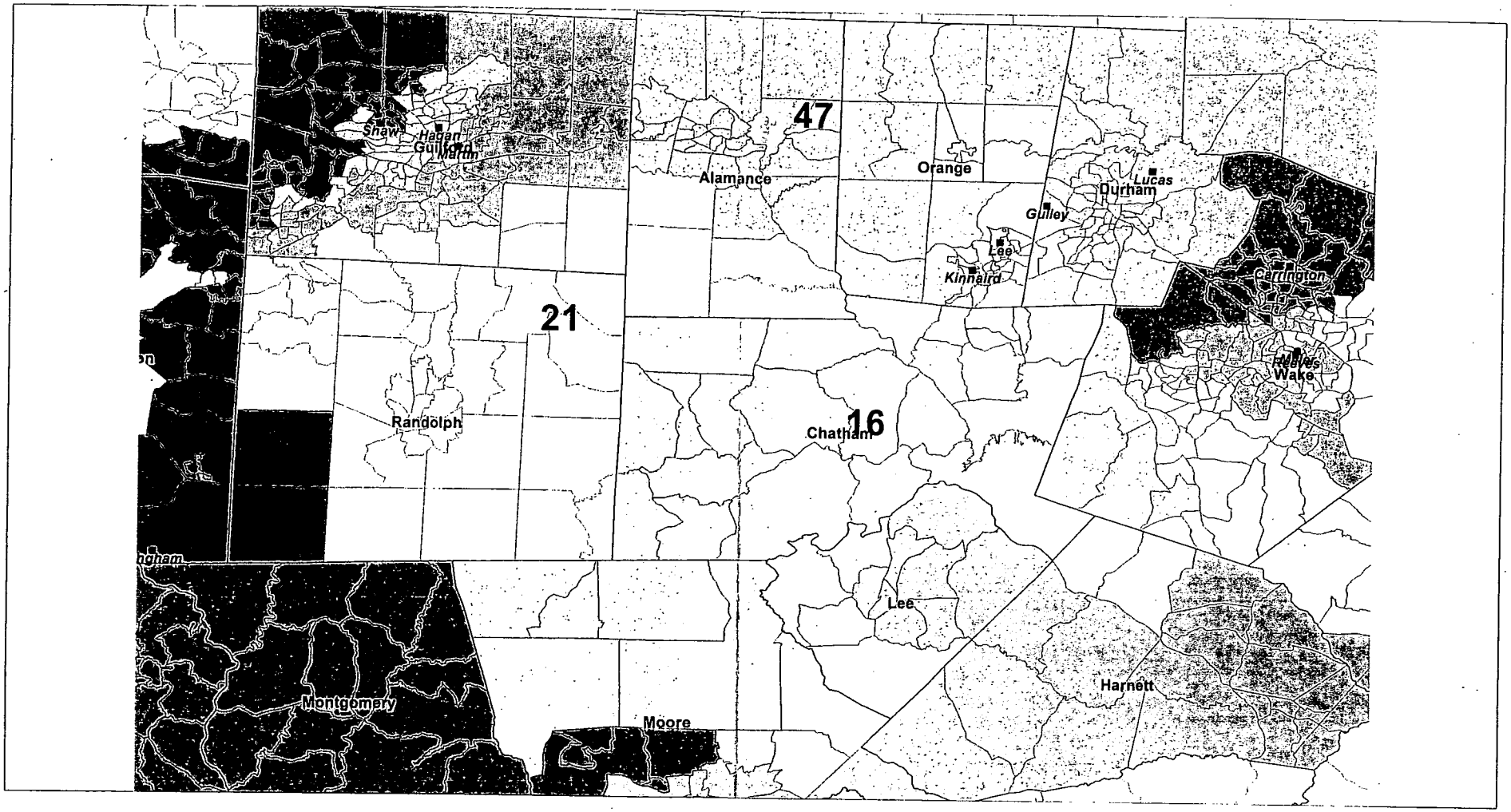
S798-ALB-158 [v.1]

MELVILLE, Precinct SOUTH MELVILLE, Precinct BURLINGTON 4, Precinct BURLINGTON 5, Precinct BURLINGTON 6, Precinct BURLINGTON 7, Precinct BURLINGTON 8, Precinct BURLINGTON 9, Precinct EAST BURLINGTON, Precinct NORTH BURLINGTON, Precinct SOUTH BURLINGTON, Precinct WEST BURLINGTON, Precinct BURLINGTON 10; Orange County: Precinct CARRBORO, Precinct CEDAR GROVE, Precinct COLES STORE, Precinct CALDWELL, Precinct CHEEKS, Precinct EFLAND, Precinct LIONS CLUB, Precinct NORTH CARRBORO, Precinct ORANGE GROVE, Precinct OWASA, Precinct ST. JOHNS, Precinct TOWN HALL, Precinct TOLARS, Precinct WHITE CROSS, Precinct DAMASCUS 1, Precinct DAMASCUS 2, Precinct CARR."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



Plan Title: SENATE PLAN 1C ALAORA2

Map Date: Nov 05, 2001

ID:5308398

ROLL CALL VOTE

5 YES 14 NO = _____(TOTAL) 11-05-01 HB# _____ SB# 798

HOUSE STANDING COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
	✓	Culpepper		✓	Jarrell
___	✓	Hackney	___	✓	Justus
___	✓	Allen	___	___	Luebke
✓	___	Allred	___	___	McComas
___	___	Barefoot	✓	___	McCombs
___	___	Barnhart	___	✓	McMahan
___	___	Boyd-McIntyre	___	✓	Michaux
___	___	Buchanan	___	✓	Morgan
___	✓	Crawford	___	✓	Rogers
✓	___	Culp	✓	___	Setzer
___	___	Fitch(did not vote)	___	___	Sherrill
___	✓	Gibson	___	___	Thompson
✓	___	Gulley	___	✓	Yongue
___	✓	Hill	___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		___	___	
___	___		Ex officio Members		
___	___		___	___	Speaker Pro Tem
___	___		___	___	Majority Leader
___	___		___	✓	Majority Whip Beverly Earle

VISITOR REGISTRATION SHEET

Rules
Name of Committee

11-5-01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Lynn Bonner	N&O
Paul Woolverton	Fay. Observer
Julie Donnelly	NC Public Radio
Mark Johnson	Charlotte Observer
Gary Robertson	AP
[illegible]	NC Home Builders
R. Reynolds Williams	NCMBA
[illegible]	NCFDL
Joel Raupe	Sen. Ballantine
Sen. Bob Carpenter	N.C. Senate
Michael Hussey	Insider
[illegible]	PARKER POE
H. Webb	Raleigh
John McHugh	Gov Office
BRUCE THOMPSON	PARKER POE ADAMS & WILLIAMSON
[illegible]	ACLU
Paul Fogleman	City Hider
Henry Jones	[illegible] Raleigh
JOHN GOODMAN	MERCER.COM
Ken Melton	Alley Associates, INC.
Crissy Porter	Bone & Associates
Margaret Westbrook	Kennedy Covington
Henry M Lancaster	LCA
Angie Harris	MTG
Will Carlton	Carlton & Alexander PLLC
Ken Kaylor	Kaylor Law Firm

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
NOVEMBER 6, 2001
1:05 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 798 – SENATE REDISTRICTING – 1C

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

November 6, 2001

The Committee on Rules, Calendar and Operations of the House met on November 6, 2001 at 1:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representative Culpepper, Chairman; Hackney, Vice Chairman; Allen, Barefoot, Barnhart, Boyd-McIntyre, Buchanan, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McComas, McCombs, McMahan, Michaux, Morgan, Rogers, Setzer, Sherrill, Thompson Yongue Baddour, Majority Leader, Cunningham, Dedmon, Majority Whip, and Earle, Majority Whip.

Discussion of COMMITTEE SUBSTITUTE FOR SENATE BILL 798-AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS continued. Senator Miller, bill sponsor, was recognized. Representative Hackney made a motion that the bill be given a favorable report. Representative Michaux stated that he would be voting against the motion. He further stated that the Senate had gone from six to two majority-minority districts, and he objected to what appeared to him to be retrogression. Following a short discussion, the motion carried.

There being no further business, the meeting adjourned at 1:15.p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 798

Redistricting Committee Substitute Adopted 9/19/01

Short Title: Senate Redistricting - 1C. (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 120-1 is rewritten to read:

"(a) For the purpose of nominating and electing members of the Senate in 2002 and every two years thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts so that each District elects one Senator, except that Districts 13, 16, 17, and 28 each elects two Senators, and the composition of each district is as follows:

District 1: Camden County, Chowan County, Currituck County, Dare County, Hyde County, Pasquotank County, Perquimans County, Tyrrell County, Washington County, Beaufort County: Precinct HUNTERS BRIDGE, Precinct BELHAVEN, Precinct NORTH CREEK, Precinct OLD FORD, Precinct RIVER ROAD, Precinct TRANTERS CREEK, Precinct WOODARDS POND, Precinct BEAVER DAM, Precinct PANTEGO, Precinct PINETOWN, Precinct SURRY BATH, Precinct WASHINGTON PARK.

District 2: Bertie County, Gates County, Hertford County, Northampton County, Warren County, Granville County: Precinct ANTIOCH, Precinct SALEM, Precinct SASSAFRAS FORK, Precinct WEST OXFORD ELEMENTARY; Halifax County: Precinct BUTTERWOOD, Precinct CONOCONNARA, Precinct HALIFAX, Precinct HOBGOOD, Precinct PALMYRA, Precinct ROSENEATH, Precinct SCOTLAND NECK 1, Precinct SCOTLAND NECK 2, Precinct ENFIELD 1, Precinct ENFIELD 2, Precinct ENFIELD 3, Precinct LITTLETON 1, Precinct LITTLETON 2, Precinct RINGWOOD, Precinct WELDON 1, Precinct WELDON 2, Precinct WELDON 3; Martin County: Precinct JAMESVILLE, Precinct WILLIAMS, Precinct BEARGRASS, Precinct GRIFFINS, Precinct WILLIAMSTON 1, Precinct WILLIAMSTON 2; Vance County: Precinct MIDDLEBURG, Precinct TOWNSVILLE, Precinct WILLIAMSBORO.

District 3: Craven County, Pamlico County, Beaufort County: Precinct BLOUNTS CREEK, Precinct AURORA, Precinct CHOCOWINITY, Precinct EDWARD, Precinct PS JONES WARD 3, Precinct WASHINGTON WARD 1, Precinct WASHINGTON WARD 2, Precinct WASHINGTON WARD 4, Precinct GILEAD; Carteret County: Precinct ATLANTIC, Precinct BETTIE, Precinct BEAUFORT 1, Precinct BEAUFORT 2, Precinct CEDAR ISLAND, Precinct MERRIMON, Precinct MOREHEAD 1, Precinct NORTH RIVER; Jones County: Precinct POLLOCKSVILLE, Precinct TRENTON, Precinct WHITE OAK; Pitt County: Precinct 11.01, Precinct 15.09, Precinct 11.02A, Precinct 11.02B, Precinct 15.07A: Tract 2: Block Group 2: Block 2013, Block 2014, Block 2015, Block 2016; Block Group 3: Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3021, Block 3022, Block 3023, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Precinct 15.07C, Precinct 15.08A, Precinct 15.08B: Tract 1: Block Group 1: Block 1000, Block 1999; Tract 2: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2017, Block 2018, Block 2019; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3019, Block 3020, Block 3024.

District 4: Carteret County: Precinct PINE KNOLL SHORES, Precinct ATLANTIC BEACH, Precinct BOGUE, Precinct BROAD CREEK, Precinct CEDAR POINT, Precinct DAVIS, Precinct EMERALD ISLE, Precinct HARKERS ISLAND, Precinct HARLOWE, Precinct INDIAN BEACH, Precinct MILL CREEK, Precinct MOREHEAD 2, Precinct MOREHEAD 3, Precinct MOREHEAD 4, Precinct NEWPORT 1, Precinct NEWPORT 2, Precinct PELETIER, Precinct SEALEVEL, Precinct SALTER PATH, Precinct STACY, Precinct STELLA, Precinct WILDWOOD, Precinct WILLISTON, Precinct WIREGRASS, Precinct CAPE CARTERET, Precinct MARSHALLBERG, Precinct OTWAY STRAITS CRU, Precinct SMYRNA; New Hanover County: Precinct WRIGHTSVILLE BEACH, Precinct HARNETT 1, Precinct HARNETT 2, Precinct HARNETT 3, Precinct HARNETT 4, Precinct HARNETT 5, Precinct HARNETT 6, Precinct HARNETT 8, Precinct HARNETT 9, Precinct MASONBORO 2, Precinct MASONBORO 4, Precinct MASONBORO 5, Precinct WILMINGTON 11, Precinct WILMINGTON 14, Precinct WILMINGTON 16: Tract 120.03: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1010, Block 1011, Block 1012, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026; Block Group 2: Block 2000, Block 2001; Block Group 3: Block 3000; Precinct WILMINGTON 17, Precinct WILMINGTON 18, Precinct FEDERAL POINT 1, Precinct FEDERAL POINT 2, Precinct FEDERAL POINT 3, Precinct FEDERAL POINT 4, Precinct FEDERAL POINT 5; Onslow County: Precinct BEAR CREEK, Precinct FOLKSTONE, Precinct HOLLY RIDGE, Precinct HUBERT, Precinct MORTONS, Precinct SNEADS FERRY, Precinct SWANSBORO, Precinct VERONA, Precinct Voting Districts not defined:

Tract 0: Block Group 0: Block 0997, Block 0998; Tract 1.01: Block Group 3: Block 3995, Block 3996, Block 3997, Block 3998; Tract 4: Block Group 1: Block 1992, Block 1993, Block 1995, Block 1997, Block 1999; Block Group 2: Block 2020, Block 2997; Block Group 5: Block 5003, Block 5996, Block 5997, Block 5998; Tract 5: Block Group 1: Block 1001, Block 1002, Block 1006, Block 1007, Block 1008, Block 1011, Block 1014, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1024, Block 1987, Block 1988, Block 1989, Block 1991, Block 1992, Block 1993, Block 1995, Block 1996, Block 1997, Block 1998; Pender County: Precinct LOWER TOPSAIL, Precinct SURF CITY, Precinct SCOTTS HILL, Precinct UPPER TOPSAIL.

District 5: Duplin County, Jones County: Precinct BEAVER CREEK, Precinct CYPRESS CREEK, Precinct CHINQUAPIN, Precinct TUCKAHOE; Lenoir County: Precinct NEUSE, Precinct FALLING CREEK, Precinct SAND HILL, Precinct SOUTHWEST; Onslow County: Precinct BRYNN MARR, Precinct CATHERINES LAKE, Precinct EAST NORTHWOODS, Precinct GUM BRANCH, Precinct HALF MOON, Precinct MILLS, Precinct NINE MILE, Precinct RICHLANDS, Precinct TAR LANDING, Precinct WEST NORTHWOODS, Precinct Voting Districts not defined: Tract 1.03: Block Group 1: Block 1029, Block 1030, Block 1032, Block 1043, Block 1044, Block 1052; Block Group 2: Block 2011, Block 2012; Tract 2: Block Group 6: Block 6001, Block 6003, Block 6006, Block 6007, Block 6009; Pender County: Precinct LOWER UNION, Precinct PENDERLEA, Precinct UPPER UNION; Sampson County: Precinct CENTRAL CLINTON, Precinct EAST CLINTON, Precinct NORTHEAST CLINTON, Precinct SOUTHWEST CLINTON, Precinct WEST CLINTON, Precinct GARLAND, Precinct HARRELLS, Precinct INGOLD, Precinct KEENER, Precinct KITTY FORK, Precinct ROWAN, Precinct SALEMBURG, Precinct TURKEY.

District 6: Wake County: Precinct 01-11, Precinct 01-18, Precinct 01-19, Precinct 01-20, Precinct 01-22, Precinct 01-25, Precinct 01-26, Precinct 01-34, Precinct 01-35, Precinct 01-36, Precinct 01-38, Precinct 01-40, Precinct 01-43, Precinct 01-44, Precinct 01-46, Precinct 01-51, Precinct 09-01, Precinct 09-02, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-02: Tract 540.10: Block Group 1: Block 1046, Block 1047, Block 1050, Block 1052, Block 1053, Block 1056, Block 1057, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1997, Block 1998, Block 1999; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-03, Precinct 16-01, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07.

District 7: New Hanover County: Precinct HARNETT 7, Precinct WILMINGTON 1, Precinct WILMINGTON 2, Precinct WILMINGTON 3, Precinct WILMINGTON 4, Precinct WILMINGTON 6, Precinct WILMINGTON 7, Precinct WILMINGTON 8, Precinct WILMINGTON 9, Precinct WILMINGTON 10, Precinct WILMINGTON 12, Precinct WILMINGTON 13, Precinct WILMINGTON 15, Precinct WILMINGTON 22, Precinct WILMINGTON 23, Precinct WILMINGTON 24, Precinct CAPE FEAR 1, Precinct CAPE FEAR 2, Precinct CAPE FEAR 3; Onslow County: Precinct CROSS ROADS, Precinct HAWS RUN, Precinct JACKSONVILLE, Precinct NORTHEAST, Precinct NEW RIVER, Precinct Voting Districts not defined: Tract 3: Block Group 3: Block 3026, Block 3027; Tract 5: Block Group 1: Block 1012, Block 1013, Block 1994; Tract 6: Block Group 1: Block 1003, Block 1997; Tract 7: Block Group 1: Block 1998; Tract 9: Block Group 1: Block 1003, Block 1995, Block 1996, Block 1997; Tract 10: Block Group 1: Block 1003, Block 1999; Tract 18: Block Group 2: Block 2995; Pender County: Precinct COLUMBIA, Precinct CASWELL, Precinct CANETUCK, Precinct GRADY, Precinct LONG CREEK, Precinct MIDDLE HOLLY, Precinct NORTH BURGAW, Precinct ROCKY POINT, Precinct SOUTH BURGAW, Precinct UPPER HOLLY.

District 8: Greene County, Wayne County, Lenoir County: Precinct INSTITUTE, Precinct VANCE, Precinct WOODINGTON, Precinct KINSTON 3, Precinct KINSTON 4, Precinct KINSTON 5, Precinct KINSTON 9, Precinct MOSELEY HALL, Precinct TRENT 1, Precinct TRENT 2, Precinct PINK HILL 1, Precinct PINK HILL 2.

District 9: Edgecombe County: Precinct 1-1, Precinct 1-2, Precinct 2-1, Precinct 3-1, Precinct 4-1, Precinct 5-1, Precinct 6-1, Precinct 7-1, Precinct 12-1, Precinct 12-2, Precinct 12-4, Precinct 12-5; Lenoir County: Precinct CONTENTNEA, Precinct KINSTON 1, Precinct KINSTON 2, Precinct KINSTON 6, Precinct KINSTON 7, Precinct KINSTON 8; Martin County: Precinct CROSS ROADS, Precinct GOOSE NEST, Precinct HAMILTON, Precinct HASSELL, Precinct POPLAR POINT, Precinct ROBERSONVILLE 1, Precinct ROBERSONVILLE 2; Nash County: Precinct ROCKY MOUNT 1, Precinct ROCKY MOUNT 2, Precinct ROCKY MOUNT 3, Precinct ROCKY MOUNT 4; Pitt County: Precinct 3.01, Precinct 4.01, Precinct 5.01, Precinct 6.01, Precinct 10.01, Precinct 12.01, Precinct 13.01, Precinct 14.02, Precinct 15.01, Precinct 15.03, Precinct 15.04, Precinct 15.06, Precinct 2.00B, Precinct 15.05A, Precinct 15.05B, Precinct 15.07A: Tract 1: Block Group 3: Block 3049, Block 3068, Block 3069; Tract 4: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018; Precinct 15.07B, Precinct 15.08B: Tract 2: Block Group 2: Block 2000, Block 2001, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2998; Precinct 15.10A, Precinct 15.10B, Precinct 15.11A, Precinct 15.11B, Precinct 15.12B.

District 10: Edgecombe County: Precinct 1-3, Precinct 1-4, Precinct 8-1, Precinct 9-1, Precinct 10-1, Precinct 11-1, Precinct 12-3, Precinct 13-1, Precinct 14-1; Halifax

County: Precinct HOLLISTER, Precinct ROANOKE RAPIDS 11, Precinct ROANOKE RAPIDS 2, Precinct ROANOKE RAPIDS 3, Precinct ROANOKE RAPIDS 4, Precinct ROANOKE RAPIDS 5, Precinct ROANOKE RAPIDS 6, Precinct ROANOKE RAPIDS 7, Precinct ROANOKE RAPIDS 8, Precinct ROANOKE RAPIDS 9, Precinct ROANOKE RAPIDS 10, Precinct ROANOKE RAPIDS 11, Precinct FAUCETT; Nash County: Precinct STONY CREEK, Precinct ROCKY MOUNT 5, Precinct ROCKY MOUNT 6, Precinct ROCKY MOUNT 7, Precinct ROCKY MOUNT 8, Precinct ROCKY MOUNT 9, Precinct NASHVILLE, Precinct ROCKY MOUNT 10, Precinct GRIFFINS, Precinct MANNINGS 1, Precinct MANNINGS 2, Precinct SOUTH WHITAKERS, Precinct CASTALIA, Precinct COOPERS, Precinct NORTH WHITAKERS 1, Precinct NORTH WHITAKERS 2, Precinct OAK LEVEL, Precinct RED OAK; Pitt County: Precinct 1.01, Precinct 7.01, Precinct 9.01, Precinct 2.00A, Precinct 8.00A, Precinct 8.00B, Precinct 14.03A, Precinct 14.03B, Precinct 15.12A; Wilson County: Precinct GARDNERS, Precinct SARATOGA, Precinct STANTONSBURG, Precinct TOISNOT, Precinct WILSON A, Precinct WILSON D, Precinct WILSON E, Precinct WILSON F, Precinct WILSON G, Precinct WILSON N.

District 11: Franklin County: Precinct TOWN OF LOUISBURG, Precinct LOUISBURG, Precinct WEST FRANKLINTON, Precinct DUNN, Precinct CYPRESS CREEK, Precinct CEDAR ROCK, Precinct GOLD MINE, Precinct SANDY CREEK, Precinct HAYESVILLE, Precinct PILOT, Precinct EAST FRANKLINTON; Johnston County: Precinct NORTH BEULAH, Precinct SOUTH BEULAH, Precinct MICRO, Precinct NORTH O'NEALS, Precinct SOUTH O'NEALS, Precinct EAST SELMA, Precinct WEST SELMA, Precinct EAST SMITHFIELD, Precinct NORTH SMITHFIELD, Precinct SOUTH SMITHFIELD, Precinct WILSON'S MILLS; Nash County: Precinct JACKSONS, Precinct BAILEY, Precinct DRYWELLS, Precinct FERRELLS; Vance County: Precinct EAST HENDERSON 1, Precinct EAST HENDERSON 2, Precinct NORTH HENDERSON 1, Precinct NORTH HENDERSON 2, Precinct SOUTH HENDERSON 1, Precinct SOUTH HENDERSON 2, Precinct WEST HENDERSON 1, Precinct WEST HENDERSON 2, Precinct DABNEY, Precinct HILLTOP, Precinct KITTRELL, Precinct SANDY SCREEK, Precinct WATKINS; Wilson County: Precinct BLACK CREEK, Precinct CROSSROADS, Precinct OLD FIELDS, Precinct SPRINGHILL, Precinct TAYLORS, Precinct WILSON B, Precinct WILSON C, Precinct WILSON H, Precinct WILSON I, Precinct WILSON J, Precinct WILSON K, Precinct WILSON L, Precinct WILSON M, Precinct WILSON P, Precinct WILSON Q.

District 12: Alleghany County, Ashe County, Surry County, Watauga County, Avery County: Precinct Banner Elk, Precinct Beech Mountain, Precinct Cranberry, Precinct Elk Park, Precinct Frank, Precinct Heaton, Precinct Hughes, Precinct Linville, Precinct Minneapolis, Precinct Montezuma, Precinct Newland 1, Precinct Newland 2, Precinct Plumtree, Precinct Pyatte, Precinct Roaring Creek.

District 13: Durham County, Granville County: Precinct BEREA, Precinct BRASSFIELD, Precinct BUTNER, Precinct CORINTH, Precinct CREDLE, Precinct CREEDMOOR, Precinct EAST OXFORD, Precinct OAK HILL, Precinct SOUTH OXFORD, Precinct TALLY HO; Wake County: Precinct 03-00, Precinct 04-08, Precinct 04-09, Precinct 04-13, Precinct 04-15, Precinct 04-17, Precinct 06-01, Precinct 12-03, Precinct 20-01, Precinct 20-02, Precinct 20-04, Precinct 20-06, Precinct 20-10.

District 14: Wake County: Precinct 01-01, Precinct 01-02, Precinct 01-03, Precinct 01-04, Precinct 01-05, Precinct 01-06, Precinct 01-07, Precinct 01-09, Precinct 01-10, Precinct 01-12, Precinct 01-13, Precinct 01-14, Precinct 01-15, Precinct 01-16, Precinct 01-17, Precinct 01-21, Precinct 01-23, Precinct 01-27, Precinct 01-28, Precinct 01-29, Precinct 01-30, Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-37, Precinct 01-39, Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04, Precinct 04-05, Precinct 04-11, Precinct 04-18, Precinct 07-01, Precinct 07-09, Precinct 11-01, Precinct 11-02, Precinct 16-02, Precinct 16-03, Precinct 16-04, Precinct 16-06, Precinct 16-07, Precinct 18-01, Precinct 18-06.

District 15: Harnett County: Precinct ANDERSON CREEK, Precinct AVERASBORO 1, Precinct AVERASBORO 2, Precinct AVERASBORO 3, Precinct AVERASBORO 4, Precinct AVERASBORO 5, Precinct BARBECUE, Precinct BLACK RIVER, Precinct DUKE1, Precinct DUKE2, Precinct DUKE3, Precinct GROVE 1, Precinct GROVE 2, Precinct JOHNSONVILLE, Precinct LILLINGTON, Precinct NEILLS CREEK 1, Precinct NEILLS CREEK 2, Precinct STEWARTS CREEK, Precinct UPPER LITTLE RIVER 1, Precinct UPPER LITTLE RIVER 2; Johnston County: Precinct SOUTH BANNER, Precinct WEST BANNER, Precinct BENTONVILLE, Precinct NORTH BOON HILL, Precinct SOUTH BOON HILL, Precinct EAST INGRAMS, Precinct WEST INGRAMS, Precinct NORTH MEADOW, Precinct SOUTH MEADOW, Precinct PINE LEVEL; Lee County: Precinct CAPE FEAR, Precinct DEEP RIVER, Precinct EAST JONESBORO, Precinct WEST JONESBORO, Precinct EAST SANFORD, Precinct WEST SANFORD 1, Precinct WEST SANFORD 2, Precinct WEST SANFORD 3; Sampson County: Precinct GIDDENSVILLE, Precinct NEWTON GROVE, Precinct WESTBROOK.

District 16: Chatham County, Orange County, Alamance County: Precinct MORTON, Precinct FAUCETTE, Precinct PLEASANT GROVE, Precinct HAW RIVER, Precinct BOONE 5, Precinct CENTRAL BOONE, Precinct NORTH BOONE, Precinct WEST BOONE, Precinct GRAHAM 3, Precinct GRAHAM 4, Precinct EAST GRAHAM, Precinct NORTH GRAHAM, Precinct SOUTH GRAHAM, Precinct WEST GRAHAM, Precinct NORTH THOMPSON, Precinct SOUTH THOMPSON, Precinct MELVILLE 3, Precinct NORTH MELVILLE, Precinct SOUTH MELVILLE, Precinct BURLINGTON 4, Precinct BURLINGTON 5, Precinct BURLINGTON 6, Precinct BURLINGTON 7, Precinct BURLINGTON 8, Precinct BURLINGTON 9, Precinct EAST BURLINGTON, Precinct NORTH BURLINGTON, Precinct SOUTH BURLINGTON, Precinct WEST BURLINGTON, Precinct BURLINGTON 10; Lee County: Precinct EAST POCKET, Precinct GREENWOOD, Precinct WEST

POCKET, Precinct CUMNOCK; Moore County: Precinct BENSALEM, Precinct CAMERON, Precinct CARTHAGE, Precinct EUREKA, Precinct ROBBINS, Precinct VASS, Precinct WEST MOORE, Precinct D-H-R.

District 17: Anson County, Montgomery County, Richmond County, Scotland County, Hoke County: Precinct ALLENDALE, Precinct BLUE SPRINGS, Precinct BUCHAN, Precinct McCAIN, Precinct RAEFORD 1, Precinct RAEFORD 2, Precinct RAEFORD 3, Precinct RAEFORD 4, Precinct RAEFORD 5; Moore County: Precinct EAST ABERDEEN, Precinct EASTWOOD, Precinct PINEBLUFF, Precinct PINEDENE, Precinct SEVEN LAKES, Precinct SOUTH SOUTHERN PINES, Precinct TAYLORTOWN, Precinct WEST ABERDEEN, Precinct WEST END; Stanly County: Precinct Albemarle 1, Precinct Albemarle 2, Precinct Albemarle 6, Precinct Albemarle 7, Precinct Albemarle 8, Precinct East Albemarle, Precinct East Center, Precinct North Albemarle, Precinct New London, Precinct South Albemarle, Precinct West Center, Precinct Albemarle 10, Precinct Albemarle 11, Precinct Big Lick 1, Precinct Ridenhour, Precinct Palmerville, Precinct Richfield, Precinct Badin, Precinct Tyson; Union County: Precinct 01, Precinct 02, Precinct 03, Precinct 04, Precinct 05, Precinct 06, Precinct 07, Precinct 08, Precinct 09, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 16, Precinct 21, Precinct 23, Precinct 24, Precinct 25, Precinct 26, Precinct 27, Precinct 29, Precinct 30, Precinct 32, Precinct 34, Precinct 35, Precinct 36, Precinct 38, Precinct 39, Precinct 42, Precinct 43.

District 18: Brunswick County, Columbus County, Bladen County: Precinct ABBOTTS, Precinct BETHEL, Precinct BROWN MARSH, Precinct CARVERS CREEK, Precinct FRENCHES CREEK, Precinct WHITES CREEK, Precinct BLADENBORO 1, Precinct BLADENBORO 2, Precinct ELIZABETHTOWN 1, Precinct ELIZABETHTOWN 2; New Hanover County: Precinct MASONBORO 3, Precinct WILMINGTON 5, Precinct WILMINGTON 16: Tract 120.03: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1027; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2051, Block 2052; Precinct WILMINGTON 19, Precinct WILMINGTON 20, Precinct WILMINGTON 21.

District 19: Davidson County: Precinct ABBOTTS CREEK, Precinct ARCADIA, Precinct GUMTREE, Precinct LEXINGTON 3, Precinct MIDWAY, Precinct NORTH DAVIDSON, Precinct REEDS YADKIN COLLEGE, Precinct REEDY CREEK, Precinct THOMASVILLE 8, Precinct TYRO, Precinct WALLBURG, Precinct WELCOME, Precinct WEST ARCADIA; Forsyth County: Precinct 011, Precinct 012, Precinct 015, Precinct 042, Precinct 043, Precinct 506; Guilford County: Precinct HP, Precinct Center Grove 1, Precinct Center Grove 2, Precinct Friendship 2, Precinct Friendship 3, Precinct Friendship 4, Precinct Friendship 5, Precinct Greensboro 27, Precinct Greensboro 30, Precinct Greensboro 32, Precinct Greensboro 33, Precinct Greensboro 34, Precinct Greensboro 39, Precinct Greensboro 64, Precinct High Point

13, Precinct High Point 14, Precinct High Point 15, Precinct High Point 16, Precinct High Point 21, Precinct High Point 22, Precinct High Point 23, Precinct High Point 24, Precinct High Point 25, Precinct High Point 26, Precinct High Point 27, Precinct Oak Ridge 1, Precinct Oak Ridge 2, Precinct Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3, Precinct Summerfield 4, Precinct Greensboro 40A, Precinct Greensboro 40B, Precinct North Center Grove, Precinct North Deep River, Precinct South Deep River, Precinct Stokesdale.

District 20: Forsyth County: Precinct 063, Precinct 064, Precinct 065, Precinct 081, Precinct 082, Precinct 083, Precinct 201, Precinct 203, Precinct 204, Precinct 205, Precinct 206, Precinct 207, Precinct 301, Precinct 302, Precinct 303, Precinct 304, Precinct 305, Precinct 306, Precinct 401, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 501, Precinct 502, Precinct 503, Precinct 504, Precinct 505, Precinct 507, Precinct 601, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 701, Precinct 702, Precinct 703, Precinct 704, Precinct 705, Precinct 706, Precinct 707, Precinct 803, Precinct 805, Precinct 806, Precinct 807, Precinct 808, Precinct 901, Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 907, Precinct 908.

District 21: Alamance County: Precinct PATTERSON, Precinct COBLE, Precinct ALBRIGHT, Precinct SOUTH BOONE, Precinct NORTH NEWLIN, Precinct SOUTH NEWLIN; Guilford County: Precinct Greene, Precinct Pleasant Garden 2, Precinct Jamestown 5, Precinct Sumner 4, Precinct North Clay, Precinct South Clay; Randolph County: Precinct ARCHDALE 1, Precinct ARCHDALE 2, Precinct ARCHDALE 3, Precinct ASHEBORO ARMORY, Precinct ASHEBORO EASTSIDE, Precinct ASHEBORO LINDLEY PARK, Precinct ASHEBORO LOFLIN, Precinct ASHEBORO McCRARY, Precinct ASHEBORO NORTH 1, Precinct ASHEBORO NORTH 2, Precinct ASHEBORO SOUTHPOINTE, Precinct ASHEBORO WESTSIDE, Precinct BACK CREEK, Precinct BROWER, Precinct CEDAR GROVE EAST, Precinct CEDAR GROVE WEST, Precinct COLERIDGE, Precinct FALLS, Precinct FRANKLINVILLE, Precinct GRANT, Precinct LEVEL CROSS, Precinct LIBERTY, Precinct NEW MARKET NORTH, Precinct NEW MARKET SOUTH, Precinct PLEASANT GROVE, Precinct PROSPECT, Precinct PROVIDENCE 1, Precinct PROVIDENCE 2, Precinct RAMSEUR, Precinct RANDLEMAN EAST, Precinct RANDLEMAN WEST, Precinct RICHLAND, Precinct STALEY, Precinct TABERNACLE, Precinct TRINITY EAST, Precinct TRINITY TABERNACLE, Precinct TRINITY WEST, Precinct UNION.

District 22: Cabarrus County: Precinct 0101, Precinct 0102, Precinct 0103, Precinct 0104, Precinct 0201, Precinct 0202, Precinct 0203, Precinct 0204, Precinct 0205, Precinct 0206, Precinct 0207, Precinct 0300, Precinct 0401, Precinct 0405, Precinct 0406, Precinct 0407, Precinct 0408, Precinct 0409, Precinct 0410, Precinct 1000, Precinct 1101, Precinct 1102, Precinct 1201, Precinct 1202, Precinct 1203, Precinct 1204, Precinct 1205, Precinct 1206, Precinct 1207, Precinct 1208, Precinct 1209, Precinct 1210, Precinct 1211, Precinct 1212; Mecklenburg County: Precinct 127,

Precinct 128, Precinct 234, Precinct 235, Precinct 236, Precinct 238, Precinct 239, Precinct 241, Precinct 201, Precinct 202, Precinct 206, Precinct 219, Precinct 221.

District 23: Davidson County: Precinct BOONE, Precinct CENTRAL, Precinct COTTON GROVE, Precinct LEXINGTON 1, Precinct LEXINGTON 2, Precinct LEXINGTON 4, Precinct WARD 1, Precinct WARD 2, Precinct WARD 3, Precinct WARD 4, Precinct WARD 5, Precinct WARD 6, Precinct SILVER HILL, Precinct SOUTHMONT, Precinct THOMASVILLE 2, Precinct THOMASVILLE 3, Precinct THOMASVILLE 7; Iredell County: Precinct Barringer, Precinct Coddle Creek 2, Precinct Chambersburg, Precinct Cool Springs, Precinct Statesville 1, Precinct Statesville 2, Precinct Statesville 3, Precinct Statesville 4, Precinct Statesville 5, Precinct Statesville 6, Precinct Turnersburg; Rowan County: Precinct Cleveland, Precinct Franklin, Precinct Milford Hills County, Precinct East Spencer, Precinct Scotch Irish, Precinct Spencer, Precinct Unity, Precinct West Ward II, Precinct West Ward I, Precinct South Ward, Precinct North Ward I, Precinct East Ward I, Precinct West Innes, Precinct North Ward II, Precinct Milford Hills City, Precinct West Ward III, Precinct East Ward II.

District 24: Bladen County: Precinct CENTRAL, Precinct COLLY, Precinct CYPRESS CREEK, Precinct HOLLOW, Precinct LAKE CREEK, Precinct TURNBULL, Precinct WHITE OAK; Cumberland County: Precinct CROSS CREEK 1, Precinct CROSS CREEK 2, Precinct CROSS CREEK 7, Precinct CROSS CREEK 8, Precinct CROSS CREEK 9, Precinct CUMBERLAND 2, Precinct CUMBERLAND 3, Precinct HOPE MILLS 2, Precinct PEARCES MILL 2, Precinct PEARCES MILL 3, Precinct PEARCES MILL 4, Precinct ALDERMAN, Precinct ARRAN HILLS, Precinct BEAVER DAM, Precinct CROSS CREEK 10, Precinct CROSS CREEK 11, Precinct CROSS CREEK 12, Precinct CROSS CREEK 14, Precinct CROSS CREEK 15, Precinct CROSS CREEK 18, Precinct CROSS CREEK 20, Precinct CROSS CREEK 21, Precinct CROSS CREEK 22, Precinct CROSS CREEK 24, Precinct CROSS CREEK 26, Precinct CROSS CREEK 29, Precinct CROSS CREEK 30, Precinct CROSS CREEK 31, Precinct CROSS CREEK 34, Precinct CEDAR CREEK, Precinct EASTOVER, Precinct JUDSON/VANDER, Precinct SHERWOOD, Precinct STEDMAN, Precinct WADE; Robeson County: Precinct PARKTON, Precinct NORTH ST PAULS, Precinct SOUTH ST PAULS; Sampson County: Precinct AUTRYVILLE, Precinct CLEMENT, Precinct HERRING, Precinct LAKEWOOD, Precinct ROSEBORO.

District 25: Cleveland County: Precinct Shelby 4, Precinct Shelby 5, Precinct Shelby 8: Tract 9502: Block Group 3: Block 3041; Tract 9508: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2008, Block 2009, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2039, Block 2040; Tract 9509: Block Group 1: Block 1003, Block 1004; Precinct Waco, Precinct Fallston, Precinct Lawndale; Gaston County: Precinct York Chester, Precinct Victory, Precinct Pleasant Ridge, Precinct Health Center, Precinct Myrtle, Precinct Highland,

Precinct Wood Hill, Precinct Grier, Precinct Sherwood, Precinct Armstrong, Precinct Flint Grove, Precinct Ranlo, Precinct Gardner Park, Precinct Robinson 1, Precinct Robinson 2, Precinct Ashbrook, Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Lowell, Precinct Tryon, Precinct Landers Chapel, Precinct Cherryville 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct High Shoals, Precinct Dallas 1, Precinct Dallas 2; Lincoln County: Precinct Boger City, Precinct Crouse, Precinct Daniels/Vale, Precinct Hickory Grove, Precinct Heavners, Precinct Lithia, Precinct Love Memorial, Precinct Lincolnton North, Precinct Lincolnton South, Precinct Long Shoals, Precinct North Brook I/II, Precinct Salem.

District 26: Catawba County, Iredell County: Precinct Fallstown, Precinct Shiloh; Lincoln County: Precinct Asbury, Precinct Buffalo Shoals, Precinct North Brook III, Precinct Pumpkin Center.

District 27: Davie County, Wilkes County, Yadkin County, Iredell County: Precinct Bethany, Precinct Concord, Precinct Eagle Mills, Precinct New Hope, Precinct Olin, Precinct Sharpesburg, Precinct Union Grove.

District 28: Madison County, Yancey County, Buncombe County: Precinct Asheville 1, Precinct Asheville 2, Precinct Asheville 3, Precinct Asheville 4, Precinct Asheville 5, Precinct Asheville 6, Precinct Asheville 7, Precinct Asheville 8, Precinct Asheville 9, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 12, Precinct Asheville 13, Precinct Asheville 14, Precinct Asheville 15, Precinct Asheville 16, Precinct Asheville 17, Precinct Asheville 20, Precinct Asheville 21, Precinct Asheville 22, Precinct Asheville 23, Precinct Asheville 24, Precinct Asheville 25, Precinct Averys Creek (30), Precinct Black Mountain 1 (32), Precinct Black Mountain 2 (33), Precinct Black Mountain 3 (34), Precinct Black Mountain 5 (36), Precinct Flat Creek (40), Precinct French Broad (41), Precinct Hazel 1 (42), Precinct Hazel 2 (43), Precinct Lower Hominy 1 (44), Precinct Lower Hominy 2 (45), Precinct Lower Hominy 3 (46), Precinct Upper Hominy 2 (48), Precinct Leicester 1 (52), Precinct Limestone 1 (54), Precinct Limestone 3 (56), Precinct North Buncombe (58), Precinct Reems Creek (59), Precinct Reynolds (60), Precinct Swannanoa 1 (64), Precinct Weaverville (67), Precinct West Buncombe 1 (68, 681), Precinct West Buncombe 2 (69), Precinct Woodfin (70), Precinct Woodland Hills (71), Precinct Asheville 28, Precinct Asheville 27, Precinct Black Mountain 4 (35), Precinct Upper Hominy CRU (47, 49), Precinct Ivy CRU (50, 51), Precinct Leicester Sandy Mush CRU (63, 53), Precinct Riceville Swannanoa CRU 2 (62, 66), Precinct Riceville Swannanoa 2 CRU (61, 65); Burke County: Precinct Drexel 1, Precinct Jonas Ridge, Precinct Linville 1, Precinct Linville 2, Precinct Lower Creek, Precinct Morganton 1, Precinct Morganton 4, Precinct Morganton 5, Precinct Morganton 6, Precinct Morganton 7, Precinct Morganton 8, Precinct Morganton 9, Precinct Morganton 10, Precinct Quaker Meadows 1, Precinct Quaker Meadows 2, Precinct Silver Creek 1, Precinct Silver Creek 2, Precinct Silver Creek 3, Precinct Upper Creek; McDowell County: Precinct Marion 1, Precinct Marion 2, Precinct Marion 3, Precinct Marion 4, Precinct Marion 5, Precinct Pleasant Gardens,

Precinct West Marion, Precinct Dysartsville, Precinct Higgins, Precinct Nebo, Precinct Old Fort 1, Precinct Old Fort 2.

District 29: Cherokee County, Graham County, Swain County, Clay County: Precinct Brasstown, Precinct Hayesville 1, Precinct Hayesville Central, Precinct Tusquittee; Haywood County: Precinct Allens Creek, Precinct Big Creek, Precinct Crabtree, Precinct Center Waynesville, Precinct East Fork, Precinct East Waynesville, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Pigeon, Precinct Saunook, Precinct White Oak, Precinct West Waynesville, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 7, Precinct Center Pigeon, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct North Clyde, Precinct South Clyde, Precinct South Waynesville 1, Precinct South Waynesville 2, Precinct Beaverdam 5-6; Jackson County: Precinct Barkers Creek, Precinct Canada, Precinct Caney Fork, Precinct Cullowhee, Precinct Dillsboro, Precinct Greens Creek, Precinct Qualla, Precinct River, Precinct Savannah, Precinct Sylva North Ward, Precinct Sylva South Ward, Precinct Webster, Precinct Scotts Creek CRU; Macon County: Precinct North Franklin, Precinct South Franklin: Tract 9703: Block Group 2: Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029; Block Group 6: Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6006, Block 6007, Block 6008, Block 6009, Block 6036, Block 6037, Block 6038, Block 6039, Block 6040; Block Group 7: Block 7035, Block 7036, Block 7037, Block 7038, Block 7040; Tract 9706: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003; Tract 9707: Block Group 1: Block 1027; Precinct East Franklin, Precinct Iotla, Precinct Union, Precinct Cowee; Transylvania County: Precinct Brevard 1, Precinct Brevard 2, Precinct Brevard 3, Precinct Brevard 4, Precinct Boyd, Precinct Pisgah Forest.

District 30: Cumberland County: Precinct HOPE MILLS 1, Precinct HOPE MILLS 3, Precinct STONEY POINT; Hoke County: Precinct ANTIOCH, Precinct PUPPY CREEK, Precinct ROCKFISH, Precinct STONEWALL, Precinct Voting Districts not defined; Moore County: Precinct KNOLLWOOD, Precinct LITTLE RIVER, Precinct NORTH SOUTHERN PINES, Precinct PINEHURST A, Precinct PINEHURST B, Precinct PINEHURST C; Robeson County: Precinct ALFORDSVILLE, Precinct BLACK SWAMP, Precinct BRITTS, Precinct BURNT SWAMP, Precinct FAIRMONT 1, Precinct FAIRMONT 2, Precinct GADDY, Precinct EAST HOWELLSVILLE, Precinct WEST HOWELLSVILLE, Precinct LUMBER BRIDGE, Precinct LUMBERTON 1, Precinct LUMBERTON 2, Precinct LUMBERTON 3, Precinct LUMBERTON 4, Precinct LUMBERTON 5, Precinct LUMBERTON 6, Precinct LUMBERTON 7, Precinct LUMBERTON 8, Precinct MAXTON, Precinct ORRUM,

Precinct NORTH PEMBROKE, Precinct SOUTH PEMBROKE, Precinct PHILADEPLUS, Precinct RAFT SWAMP, Precinct RED SPRINGS 1, Precinct RED SPRINGS 2, Precinct RENNERT, Precinct ROWLAND, Precinct SADDLETREE, Precinct SHANNON, Precinct OXENDINE, Precinct PROSPECT, Precinct SMYRNA, Precinct STERLINGS, Precinct THOMPSON, Precinct UNION, Precinct WHITEHOUSE, Precinct WISHARTS.

District 31: Guilford County: Precinct Greensboro 3, Precinct Greensboro 4, Precinct Greensboro 5, Precinct Greensboro 6, Precinct Greensboro 46, Precinct Greensboro 52, Precinct Greensboro 53, Precinct Greensboro 54, Precinct Greensboro 55, Precinct Greensboro 65, Precinct Greensboro 66, Precinct Greensboro 67, Precinct Greensboro 68, Precinct Greensboro 69, Precinct Greensboro 70, Precinct Greensboro 71, Precinct Greensboro 72, Precinct Greensboro 73, Precinct Greensboro 74, Precinct Greensboro 75, Precinct Gibsonville, Precinct High Point 1, Precinct High Point 2, Precinct High Point 3, Precinct High Point 4, Precinct High Point 5, Precinct High Point 6, Precinct High Point 7, Precinct High Point 8, Precinct High Point 9, Precinct High Point 10, Precinct High Point 11, Precinct High Point 18, Precinct Pleasant Garden 1, Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Fentress 1, Precinct Fentress 2, Precinct Jamestown 3, Precinct Jamestown 4, Precinct Jefferson 1, Precinct Jefferson 2, Precinct Jefferson 3, Precinct Jefferson 4, Precinct Monroe 1, Precinct Monroe 3, Precinct North Madison, Precinct South Madison, Precinct Sumner 1, Precinct Sumner 2, Precinct Sumner 3, Precinct North Washington, Precinct South Washington.

District 32: Guilford County: Precinct Center Grove 3, Precinct Friendship 1, Precinct Greensboro 1, Precinct Greensboro 2, Precinct Greensboro 7, Precinct Greensboro 9, Precinct Greensboro 10, Precinct Greensboro 11, Precinct Greensboro 12, Precinct Greensboro 13, Precinct Greensboro 14, Precinct Greensboro 15, Precinct Greensboro 16, Precinct Greensboro 17, Precinct Greensboro 18, Precinct Greensboro 19, Precinct Greensboro 20, Precinct Greensboro 21, Precinct Greensboro 22, Precinct Greensboro 23, Precinct Greensboro 24, Precinct Greensboro 25, Precinct Greensboro 26, Precinct Greensboro 28, Precinct Greensboro 29, Precinct Greensboro 31, Precinct Greensboro 35, Precinct Greensboro 36, Precinct Greensboro 37, Precinct Greensboro 38, Precinct Greensboro 41, Precinct Greensboro 42, Precinct Greensboro 43, Precinct Greensboro 44, Precinct Greensboro 45, Precinct Greensboro 47, Precinct Greensboro 48, Precinct Greensboro 49, Precinct Greensboro 50, Precinct Greensboro 51, Precinct Greensboro 56, Precinct Greensboro 57, Precinct Greensboro 58, Precinct Greensboro 59, Precinct Greensboro 60, Precinct Greensboro 61, Precinct Greensboro 62, Precinct Greensboro 63, Precinct Greensboro 8, Precinct High Point 12, Precinct High Point 17, Precinct High Point 19, Precinct High Point 20, Precinct Jamestown 1, Precinct Jamestown 2, Precinct Monroe 2.

District 33: Mecklenburg County: Precinct 011, Precinct 012, Precinct 013, Precinct 014, Precinct 016, Precinct 022, Precinct 025, Precinct 027, Precinct 031, Precinct 039, Precinct 042, Precinct 050, Precinct 052, Precinct 054, Precinct 055, Precinct 056, Precinct 057, Precinct 058, Precinct 059, Precinct 060, Precinct 073, Precinct 075,

Precinct 076, Precinct 077, Precinct 082, Precinct 087, Precinct 088, Precinct 092, Precinct 097, Precinct 098, Precinct 101, Precinct 104, Precinct 111, Precinct 114, Precinct 120, Precinct 225, Precinct 231, Precinct 129, Precinct 210, Precinct 222.

District 34: Mecklenburg County: Precinct 004, Precinct 023, Precinct 024, Precinct 026, Precinct 040, Precinct 041, Precinct 053, Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 089, Precinct 105, Precinct 107, Precinct 116, Precinct 122, Precinct 123, Precinct 126, Precinct 228, Precinct 229, Precinct 230, Precinct 237, Precinct 243, Precinct 132, Precinct 135, Precinct 138, Precinct 141, Precinct 200, Precinct 203, Precinct 204, Precinct 205, Precinct 209, Precinct 211, Precinct 212, Precinct 213, Precinct 214, Precinct 223, Precinct 224.

District 35: Mecklenburg County: Precinct 008, Precinct 019, Precinct 032, Precinct 048, Precinct 065, Precinct 067, Precinct 068, Precinct 069, Precinct 070, Precinct 071, Precinct 072, Precinct 074, Precinct 085, Precinct 086, Precinct 090, Precinct 091, Precinct 093, Precinct 096, Precinct 100, Precinct 103, Precinct 106, Precinct 110, Precinct 112, Precinct 113, Precinct 118, Precinct 119, Precinct 121, Precinct 226, Precinct 227, Precinct 232, Precinct 233, Precinct 131, Precinct 136, Precinct 137, Precinct 139, Precinct 140, Precinct 144, Precinct 215, Precinct 216, Precinct 217, Precinct 218, Precinct 220; Union County: Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 22, Precinct 28, Precinct 31, Precinct 33, Precinct 37, Precinct 40, Precinct 41.

District 36: Franklin County: Precinct WEST YOUNGSVILLE, Precinct EAST HARRIS, Precinct PEARCES, Precinct EAST YOUNGSVILLE, Precinct WEST HARRIS; Wake County: Precinct 01-42, Precinct 01-45, Precinct 01-47, Precinct 02-01, Precinct 02-02, Precinct 02-03, Precinct 02-04, Precinct 02-05, Precinct 02-06, Precinct 05-00, Precinct 07-02, Precinct 07-03, Precinct 07-04, Precinct 07-05, Precinct 07-06, Precinct 07-07, Precinct 07-10, Precinct 07-11, Precinct 07-12, Precinct 14-01, Precinct 14-02, Precinct 19-01, Precinct 19-02, Precinct 19-03, Precinct 19-04, Precinct 19-05, Precinct 19-06, Precinct 19-07, Precinct 19-08.

District 37: Rutherford County, Cleveland County: Precinct Shelby 1, Precinct Shelby 2, Precinct Shelby 3, Precinct Shelby 6, Precinct Shelby 7, Precinct Shelby 8: Tract 9508: Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Tract 9509: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021; Precinct Kings Mountain 1, Precinct Kings Mountain 2, Precinct Kings Mountain 3, Precinct Kings Mountain 4, Precinct Lattimore, Precinct Boiling Springs, Precinct Mulls, Precinct Oak Grove, Precinct Rippy, Precinct Bethware, Precinct Grover, Precinct Hot Springs,

Precinct Kingstown, Precinct MRB-YO, Precinct Polkville, Precinct Shanghai; Polk County: Precinct Tryon 1, Precinct Tryon 3, Precinct White Oak, Precinct Columbus 1, Precinct Columbus 2, Precinct Green Creek.

District 38: Cabarrus County: Precinct 0402, Precinct 0403, Precinct 0404, Precinct 0500, Precinct 0600, Precinct 0700, Precinct 0800, Precinct 0900; Davidson County: Precinct DENTON, Precinct EMMONS, Precinct HEALING SPRINGS, Precinct HOLLY GROVE, Precinct LIBERTY, Precinct SILVER VALLEY, Precinct SOUTH DAVIDSON, Precinct THOMASVILLE 1, Precinct THOMASVILLE 4, Precinct THOMASVILLE 5, Precinct THOMASVILLE 9, Precinct THOMASVILLE 10; Randolph County: Precinct CONCORD, Precinct NEW HOPE; Rowan County: Precinct Barnhardt Mill, Precinct Blackwelder Park, Precinct Bostian Crossroads, Precinct Bradshaw, Precinct North China Grove, Precinct South China Grove, Precinct South Locke, Precinct East Enochville, Precinct Faith, Precinct Rock Grove, Precinct Granite Quarry, Precinct Hatters Shop, Precinct West Kannapolis, Precinct East Kannapolis, Precinct West Landis, Precinct East Landis, Precinct North Locke, Precinct Morgan I, Precinct Morgan II, Precinct Mount Ulla, Precinct Rockwell, Precinct Gold Knob, Precinct Steele, Precinct Sumner, Precinct Trading Ford, Precinct Bostian School, Precinct West Enochville; Stanly County: Precinct Furr 1, Precinct Furr 2, Precinct Big Lick 2, Precinct Endy, Precinct Almond.

District 39: Gaston County: Precinct Forest Heights, Precinct Gaston Day, Precinct South Gastonia, Precinct Crowders Mountain, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont 3, Precinct Catawba Heights, Precinct Southpoint, Precinct Cramerton, Precinct New Hope, Precinct McAdenville, Precinct Union, Precinct Alexis, Precinct Lucia, Precinct Stanley 1, Precinct Stanley 2, Precinct Mt Holly 1, Precinct Mt Holly 2; Iredell County: Precinct Coddle Creek 1, Precinct Coddle Creek 3, Precinct Coddle Creek 4, Precinct Davidson 1, Precinct Davidson 2; Lincoln County: Precinct Denver, Precinct Iron Station, Precinct Lowesville, Precinct Triangle, Precinct Westport; Mecklenburg County: Precinct 240, Precinct 242, Precinct 133, Precinct 134, Precinct 142, Precinct 143, Precinct 207, Precinct 208.

District 40: Mecklenburg County: Precinct 001, Precinct 002, Precinct 003, Precinct 005, Precinct 006, Precinct 007, Precinct 009, Precinct 010, Precinct 015, Precinct 017, Precinct 018, Precinct 020, Precinct 021, Precinct 028, Precinct 029, Precinct 030, Precinct 033, Precinct 034, Precinct 035, Precinct 036, Precinct 037, Precinct 038, Precinct 043, Precinct 044, Precinct 045, Precinct 046, Precinct 047, Precinct 049, Precinct 051, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 066, Precinct 083, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct 102, Precinct 108, Precinct 109, Precinct 115, Precinct 117, Precinct 124, Precinct 125, Precinct 130.

District 41: Cumberland County: Precinct CROSS CREEK 3, Precinct CROSS CREEK 4, Precinct CROSS CREEK 5, Precinct CROSS CREEK 6, Precinct CUMBERLAND 1, Precinct MORGANTON ROAD, Precinct AUMAN, Precinct BLACK RIVER, Precinct BRENTWOOD, Precinct CROSS CREEK 13, Precinct

CROSS CREEK 16, Precinct CROSS CREEK 17, Precinct CROSS CREEK 19, Precinct CROSS CREEK 23, Precinct CROSS CREEK 25, Precinct CROSS CREEK 27, Precinct CROSS CREEK 28, Precinct CROSS CREEK 32, Precinct CROSS CREEK 33, Precinct CLIFFDALE WEST, Precinct LINDEN, Precinct LONG HILL, Precinct LAKE RIM, Precinct MANCHESTER, Precinct MONTIBELLO, Precinct SPRING LAKE, Precinct WEST AREA; Sampson County: Precinct MINGO, Precinct PLAINVIEW.

District 42: Henderson County, Buncombe County: Precinct Asheville 18, Precinct Asheville 19, Precinct Biltmore (31), Precinct Broad River (37), Precinct Fairview 1 (38), Precinct Fairview 2 (39), Precinct Limestone 2 (55), Precinct Limestone 4 (57), Precinct Asheville 29; Clay County: Precinct Hayesville 2, Precinct Hiawassee, Precinct Shooting Creek, Precinct Sweetwater, Precinct Warne; Haywood County: Precinct Cecil; Jackson County: Precinct Cashiers, Precinct Hamburg, Precinct Mountain; McDowell County: Precinct Crooked Creek, Precinct Glenwood, Precinct Montford Cove; Macon County: Precinct South Franklin: Tract 9703: Block Group 6: Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6025, Block 6026, Block 6030, Block 6031, Block 6032, Block 6033, Block 6034, Block 6035; Block Group 8: Block 8038, Block 8047, Block 8048; Tract 9707: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008,, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1038; Precinct Millshoal, Precinct Ellijay, Precinct Sugarfork, Precinct Highlands, Precinct Flats, Precinct Smithbridge, Precinct Cartoogechaye, Precinct Nantahala, Precinct Burningtown; Polk County: Precinct Tryon 2, Precinct Saluda, Precinct Cooper Gap; Transylvania County: Precinct Catheys Creek, Precinct Cedar Mountain, Precinct Dunns Rock, Precinct Little River, Precinct Williamson Creek, Precinct Hogback CRU, Precinct Gloucester CRU, Precinct Eastatoe CRU.

District 43: Caswell County, Person County, Rockingham County, Stokes County: Precinct EAST WALNUT COVE, Precinct WEST WALNUT COVE, Precinct FREEMAN, Precinct PINE HALL.

District 44: Harnett County: Precinct BUCKHORN, Precinct HECTORS CREEK; Johnston County: Precinct NORTH BANNER, Precinct EAST CLAYTON, Precinct NORTH CLAYTON, Precinct WEST CLAYTON, Precinct NORTH CLEVELAND, Precinct NORTH ELEVATION, Precinct SOUTH ELEVATION, Precinct PLEASANT GROVE, Precinct WILDERS, Precinct SOUTH CLEVELAND, Precinct SOUTH CLAYTON; Wake County: Precinct 04-06, Precinct 04-07, Precinct 04-10, Precinct 04-12, Precinct 04-14, Precinct 04-16, Precinct 04-19, Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct 12-04, Precinct 12-06, Precinct 15-01, Precinct 15-02, Precinct 16-05, Precinct 18-02, Precinct 18-03, Precinct 18-04, Precinct 18-05, Precinct 18-08, Precinct 20-03, Precinct 20-05.

District 45: Alexander County, Caldwell County, Mitchell County, Avery County: Precinct Altamont, Precinct Carey's Flat, Precinct Ingalls, Precinct Pineola; Burke County: Precinct Drexel 3, Precinct Icard 1, Precinct Icard 2, Precinct Icard 3, Precinct Icard 4, Precinct Icard 5, Precinct Lovelady 1, Precinct Lovelady 2, Precinct Lovelady 4, Precinct Lower Fork, Precinct Smoky Creek, Precinct Upper Fork; Cleveland County: Precinct Casar; McDowell County: Precinct North Cove, Precinct Turkey Cove.

District 46: Forsyth County: Precinct 013, Precinct 014, Precinct 021, Precinct 031, Precinct 032, Precinct 033, Precinct 034, Precinct 051, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 061, Precinct 062, Precinct 066, Precinct 067, Precinct 068, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 091, Precinct 092, Precinct 101, Precinct 111, Precinct 112, Precinct 122, Precinct 123, Precinct 131, Precinct 132, Precinct 133, Precinct 602, Precinct 708, Precinct 709, Precinct 801, Precinct 802, Precinct 804, Precinct 809, Precinct 906, Precinct 909; Stokes County: Precinct DANBURY, Precinct SANDY RIDGE, Precinct LAWSONVILLE, Precinct CHESTNUT GROVE, Precinct FRANCISCO, Precinct FRANS, Precinct REYNOLDS, Precinct FLINTY KNOLL, Precinct PINNACLE, Precinct EAST KING, Precinct WEST KING, Precinct MOUNT OLIVE, Precinct MIZPAH, Precinct WILSONS STORE, Precinct GERMANTON, Precinct MITCHELL.

(b) The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 2000 United States Census. Boundaries are as shown on the Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, to reflect precincts divided or renamed as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in Vance County SANDY SCREEK is, in fact, SANDY CREEK.

(c) The Legislative Services Office modified on its computer database some of the precincts shown on the Redistricting Census 2000 TIGER Files to reflect precincts divided or renamed by county boards of elections after the TIGER Files were completed. As a result, precincts are shown differently on the Legislative Services Office computer database from the TIGER Files in the following counties:

(1) Buncombe County:

a. Precinct Asheville 4 in TIGER is shown as Precincts Asheville 4 and Asheville 28.

b. Precinct Asheville 22 in TIGER is shown as Precincts Asheville 22 and Asheville 27.

c. Precinct Asheville 19 in TIGER is shown as Precincts Asheville 19 and Asheville 29.

d. Precinct Riceville Swannanoa 2 CRU in TIGER is shown as Precincts Riceville Swannanoa 2 CRU and Riceville Swannanoa CRU 2.
e. Precinct Black Mountain 3 in TIGER is shown as Precincts Black Mountain 3 and Black Mountain 4.

(2) Cabarrus County:
a. Precinct 0202 in TIGER is shown as Precincts 0202 and 0207.
b. Precinct 1209 in TIGER is shown as Precincts 1209 and 1212.

(3) Caldwell County: Precinct Lovelady in TIGER is shown as Precincts Lovelady1 and Lovelady2.

(4) Chatham County:
a. Precinct North Williams in TIGER is shown as Precincts North Williams and North Williams 2.
b. Precinct East Williams in TIGER is shown as Precincts East Williams and East Williams 2.

(5) Craven County: Precinct Havelock in TIGER is shown as Precincts Havelock East and Havelock West.

(6) Franklin County: Precinct Harris in TIGER is shown as Precincts East Harris and West Harris.

(7) Guilford County: Precinct Greensboro 40 in TIGER is shown as Precincts Greensboro 40A and Greensboro 40B.

(8) Johnston County: Precinct East Clayton in TIGER is shown as Precincts East Clayton and South Clayton.

(9) Orange County:
a. Precinct Frank Porter Graham in TIGER is renamed Precinct Damascus 1.
b. Precinct Dogwood Acres in TIGER is shown as Precincts Dogwood Acres and Damascus 2.

(10) Rowan County:
a. Precinct Bostian Crossroads in TIGER is shown as Precincts Bostian Crossroads and Rock Grove.
b. Precinct Enochville in TIGER is shown as Precincts Enochville and West Enochville.

(11) Wake County:
a. Precinct 01-32 in TIGER is shown as Precincts 01-32 and 01-49.
b. Precinct 07-06 in TIGER is shown as Precincts 07-06 and 07-11.
c. Precinct 10-01 in TIGER is shown as Precincts 10-01 and 10-04.
d. Precinct 10-02 in TIGER is shown as Precincts 10-02 and 10-03.

e. Precinct 01-43 in TIGER is shown as Precincts 01-43 and 01-51.
f. Precinct 07-02 in TIGER is shown as Precincts 07-02 and 07-12.
g. Precinct 08-04 in TIGER is shown as Precincts 08-04 and 08-08.
h. Precinct 12-02 in TIGER is shown as Precincts 12-02 and 12-06.
i. Precinct 18-03 in TIGER is shown as Precincts 18-03 and 18-08.
j. Precinct 19-02 in TIGER is shown as Precincts 19-02 and 19-06.
k. Precinct 19-03 in TIGER is shown as Precincts 19-03 and 19-07.
l. Precinct 19-04 in TIGER is shown as Precincts 19-04 and 19-08.
m. Precinct 20-04 in TIGER is shown as Precincts 20-04 and 20-10.
n. Precinct 01-32 in TIGER is shown as Precincts 01-32 and 01-49.

(d) If any precinct boundary is changed, that change shall not change the boundary of a senatorial district, which shall remain the same.

(e) If this section does not specifically assign any area within North Carolina to a district, and the area is:

(1) Entirely surrounded by a single district, the area shall be deemed to have been assigned to that district.
(2) Contiguous to two or more districts, the area shall be deemed to have been assigned to that district which contains the least population according to the 2000 United States Census.
(3) Contiguous to only one district and to another state or the Atlantic Ocean, the area shall be deemed to have been assigned to that district."

SECTION 2. If Senate Bill 35 of the 2001 General Assembly becomes law, then G.S. 120-1(b) as rewritten by Section 1 of this act reads as rewritten:

"(b) The names and boundaries of precincts (voting tabulation districts), tracts, block groups, and blocks specified in this section are as they were legally defined and recognized in the 2000 United States Census. Boundaries are as shown on the Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, to reflect precincts divided or renamed as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in Vance County SANDY SCREEK is, in fact, SANDY CREEK. If the boundary line between Iredell and Mecklenburg Counties in the Redistricting Census 2000 TIGER Files conflicts with that provided by

Section 1 of Session Law 1998-15 as amended, Section 1 of Session Law 1998-15 as amended prevails to the extent of the conflict."

SECTION 3. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 798 A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 11-6-01

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Hope Lanier	Piedmont Natural Gas - Charlotte, NC
John McHugh	Gov Office
Robin Riddick	NCAOJ
[illegible]	[illegible]
Ken McHon	Alley Associates, Inc.
[illegible]	NCMS
Russell Porter	Bode & Assoc.
[illegible]	NCCCC
Robert Wilson	SOS
Clifton R. Metcalf	UNC
[illegible]	NC State University
Richard Wilms	NCHIA
Michael Houser	Insider
[illegible]	NCSOA
HAROLD H. WEBB	RNC voter coalition
[illegible]	Freedom Newspapers
Paul Woolverton	Fay. Observer
BRUCE THOMPSON	PARKER POE ADAMS & BERNSTEIN, LLP
[illegible]	
Gary Robertson	AP
Mark Johnson	The Charlotte Observer
Kevin LeGwin	
Tim Crowley	UNC TV
Stephanie Mansour	NCAR
[illegible]	NCFPC

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
NOVEMBER 8, 2001
9:45 A.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 348 – INCREASE CUMBERLAND OCCUPANCY TAX

HB 948 – REDEFINE "SPECIAL ABC AREA"

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

November 8, 2001

The Committee on Rules, Calendar and Operations of the House met on November 8, 2001 at 9:45 a.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Barnhart, Crawford, Culp, Fitch, Gibson, Gulley, Jarrell, Justus, Luebke, McCombs, Michaux, Setzer and Yongue.

The following bills were considered:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL 348 – AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX. The chairman stated that the bill had been given a favorable report by the House Finance Committee and calendared. There were, however, issues that the Cumberland County delegation needed to resolve, and the bill was withdrawn from the calendar and re-referred to this committee. It is now ready to move out of this committee and go to the floor of the House. Representative Jarrell made a motion that the bill be given a favorable report. The motion carried.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 948 - AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS. The chairman stated that this is a bill sponsored by Representative Haire and after passing second and third readings in the House on April 26, went to the Senate on April 30. The Senate Commerce Committee stripped Representative Haire's original bill and substituted a bill of their own. Following discussion, the chairman requested the committee to recommend that the House not concur and that conferees be appointed. Representative Yongue so moved, and the motion carried.

There being no further business, the meeting adjourned at 9:55 a.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 3

SENATE BILL 348

Finance Committee Substitute Adopted 8/29/01
House Committee Substitute Favorable 10/23/01

Short Title: Increase Cumberland Occupancy Tax. (Local)

Sponsors:

Referred to:

March 6, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 983 of the 1983 Session Laws reads as rewritten:

"Section 1. It is the purpose and intent of this act to provide Cumberland County the authority to levy a transient occupancy tax as hereinafter set forth.

Sec. 2.

(a) Authorization and Scope. – Cumberland County is hereby authorized to impose and levy a tax not to exceed three percent (3%) of the gross receipts of any person, firm, corporation or association derived from the rental of any sleeping room or lodging furnished in any hotel, motel, or inn located in Cumberland County and subject to the ~~three percent (3%)~~ sales tax ~~levied~~ imposed by the State ~~of North Carolina.~~ under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. The tax shall not apply, however, to any room or rooms, lodging or accommodations supplied to the same person for a period of 90 continuous days or more. The tax shall also not apply to sleeping rooms or lodgings furnished by charitable, educational, benevolent or religious institutions or organizations not operated for profit.

(a1) Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Cumberland County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that subsection. The tax authorized by this subsection may not be levied earlier than January 1, 2002. The levy, collections, administration, use, and repeal of the tax authorized by this subsection shall be in accordance with this act. Cumberland County may not levy a tax under this subsection unless it also levies a tax under subsection (a) of this section. The rate of tax levied under this subsection may

not exceed the applicable maximum provided in the chart below based on the period for which it is in effect:

Period	Maximum
After 1/1/2002	1%
After 1/1/2004	2%
After 1/1/2005	3%

(b) Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this act. ~~Before adopting or amending an ordinance imposing and levying such a tax, the Board of Commissioners shall hold a public hearing on the ordinance or amendment. The Board shall cause notice of the hearing to be published not less than 10 days nor more than 25 days before the date fixed for the hearing.~~

~~Sec. 3.~~

~~(a) Such tax, if levied, shall be due and payable to the county in monthly installments on or before the 15th of the month next succeeding the month in which the tax accrues. Every person, firm, corporation or association liable for the tax imposed pursuant to this act shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county, a true and correct statement showing the total gross receipts derived in the preceding month from rentals upon which the tax is levied. Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of the calendar month set by the board of commissioners in the ordinance levying the tax.~~

~~(b) Any person, firm, corporation or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars ($10.00) for each day's omission.~~

~~(c) Any person, firm, corporation or association who willfully attempts in any manner to evade the occupancy tax, if levied on any person required to pay the occupancy tax, or to make a return and who willfully fails to pay such tax or make and file such return, shall, in addition to the penalties provided by law, be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars ($1,000) or by imprisonment not to exceed six months, or by both such fine and imprisonment.~~

Sec. 4. Distribution and use of the first three cents (3¢). ~~Cumberland County shall allocate the net proceeds collected as follows:~~

~~(a) Cumberland County shall retain three percent (3%) of the gross proceeds of the tax collected to compensate it for any administrative or collection expenses incurred in implementing this program. "Net Proceeds" shall mean gross taxes collected less any monies retained by the county for administrative and collection expenses.~~

~~(b)~~(a) ~~Fifty~~ The first fifty percent (50%) of the net proceeds ~~from the tax in a fiscal year~~ of the occupancy tax levied under subsection (a) of Section 2 of this act shall be retained by the county and shall be allocated for the benefit of the Cumberland County Auditorium Commission to help finance major repairs, renovation, rehabilitation, or

other capital improvements to its existing facilities and any new additions. These funds may also be utilized by the Commission as approved by the county board of commissioners for financing construction of new convention oriented or multipurpose facilities. These funds will not be used for the acquisition, construction, renovation, or operation of any sleeping room or overnight lodging. These funds shall be budgeted, appropriated, and expended under the auditorium budget through regular county budgeting appropriation and expenditure methods.

~~(c)~~(b) ~~Fifty~~ The remaining fifty percent (50%) of the net proceeds ~~from the tax in a fiscal year shall be designated, within the auditorium commission budget~~ of the occupancy tax levied under subsection (a) of Section 2 of this act collected through June 30, 2002, shall, on a quarterly basis, be remitted to the Fayetteville Area Convention and Visitors Bureau specifically for advertising the auditorium and promoting travel and tourism within the County of Cumberland. Beginning on and after July 1, 2002, the remaining fifty percent (50%) of the net proceeds of the occupancy tax levied under subsection (a) of Section 2 of this act shall, on a quarterly basis, be remitted to the Cumberland Tourism Development Authority. The Authority shall use the net proceeds remitted to it under this subsection specifically for advertising the auditorium and promoting travel and tourism within the County of Cumberland.~~These funds shall be budgeted, appropriated, and expended under the auditorium budget through regular county budgeting, appropriation and expenditure methods, however, 180 days prior to the adoption of the annual county budget, in which this tax is first budgeted, an advisory committee, the constitution of which is described herein below, shall be formed to plan and propose areas and items of expenditure for the funds designated under this subsection.~~

Sec. 4.1. Distribution and use of additional tax. – Cumberland County shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under subsection (a1) of Section 2 of this act to the Cumberland Tourism Development Authority. The Authority shall use fifty percent (50%) of these net proceeds to promote travel and tourism in Cumberland County and for tourism-related expenditures in Cumberland County. The remaining fifty percent (50%) shall be distributed to the Arts Council of Fayetteville/Cumberland County for arts festivals and other arts events that will draw tourists or other business travelers to the area.

The following definitions apply in this act:

(1) Net Proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars ($500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.

(2) Promote Travel and Tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.

(3) Tourism-Related Expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

Sec. 5. Cumberland Tourism Development Authority. – (a) Appointment and Membership. – When the Cumberland County Board of Commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority including the members' terms of office and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Cumberland County shall be the ex officio finance officer of the Authority.

Sec. 5.1. Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in this act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

Sec. 5.2. Reports. – The Authority shall report quarterly and at the close of the fiscal year to the board on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

~~Sec. 5. This advisory committee shall be constituted of: (a) two representatives nominated by hotels and motels within the county which have in excess of 100 rooms subject to this occupancy tax and appointed by the county board of commissioners; (b) two representatives nominated by hotels and motels within the county which have fewer than 100 rooms subject to this occupancy tax and appointed by the county board of commissioners; (c) the chairman of the Travel and Tourism Committee of the Fayetteville Area Chamber of Commerce, in an ex officio capacity; (d) the County Manager of Cumberland County in an ex officio capacity; and (e) the Auditorium Manager of the Cumberland County Memorial Auditorium, in an ex officio capacity. All members to this advisory committee, whether in an appointed or ex officio capacity, shall have equal rights and privileges. This advisory committee will remain intact from term to term to provide information and advice to the Auditorium Commission for the expenditure of these funds on a continuing basis as the need arises.~~

~~The budget process for these funds shall be as follows: Promotion Plan formulated by the advisory committee and submitted, through the Auditorium Manager, as part of the Auditorium's overall budget to the Auditorium Commission for its review and~~

~~approval, then to the Cumberland County Board of Commissioners, through the County Manager for its review and adoption.~~

Sec. 6. Chapter 360 of the 1965 Session Laws is amended as follows:

(1) by deleting the word "Treasurer" in the third sentence of Section 1(b)(3) of that act and substituting the words "County Manager"; and

(2) by adding a new sentence at the end of Section 3 of that act to read: "Occupancy tax revenues as authorized in AN ACT TO AUTHORIZE AND IMPLEMENT AN OCCUPANCY TAX IN CUMBERLAND COUNTY may be utilized by the Auditorium Commission, as approved by the board of county commissioners, in aiding and encouraging convention and visitor promotion in Cumberland County."

Sec. 7. This act is effective upon ratification."

SECTION 2. G.S. 153A-155 reads as rewritten:

"**§ 153A-155. Uniform provisions for room occupancy taxes.**

(a) Scope. – This section applies only to counties the General Assembly has authorized to levy room occupancy taxes.

(b) Levy. – A room occupancy tax may be levied only by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto. A room occupancy tax shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(c) Collection. – Every operator of a business subject to a room occupancy tax shall, on and after the effective date of the levy of the tax, collect the tax. The tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records and shall be paid by the purchaser to the operator of the business as trustee for and on account of the taxing county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The taxing county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county a discount equal to the discount the State allows the operator for State sales and use tax.

(d) Administration. – The taxing county shall administer a room occupancy tax it levies. A room occupancy tax is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the taxing county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. A room occupancy tax return filed with the county finance officer is not a public record and may not be disclosed except in accordance with G.S. 153A-148.1 or G.S. 160A-208.1.

(e) Penalties. – A person, firm, corporation, or association who fails or refuses to file a room occupancy tax return or pay a room occupancy tax as required by law is subject to the civil and criminal penalties set by G.S. 105-236 for failure to pay or file a return for State sales and use taxes. The governing board of the taxing county has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

(f) Repeal or Reduction. – A room occupancy tax levied by a county may be repealed or reduced by a resolution adopted by the governing body of the county. Repeal or reduction of a room occupancy tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the resolution was adopted. Repeal or reduction of a room occupancy tax does not affect a liability for a tax that was attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction.

(g) This section applies only to ~~Avery,~~ Brunswick, Craven, Cumberland, Currituck, Davie, Granville, Madison, Nash, Person, Randolph, Scotland, and Transylvania Counties."

SECTION 3. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ House Committee Substitute for
S.B. 348 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 4

HOUSE BILL 948

Committee Substitute Favorable 4/23/01
Third Edition Engrossed 4/26/01
Senate Commerce Committee Substitute Adopted 10/2/01

Short Title: Redefine "Special ABC Area". (Public)

Sponsors:

Referred to:

April 3, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101(13a) reads as rewritten:

"**§ 18B-101. Definitions.**

As used in this Chapter, unless the context requires otherwise:

...

(13a) "Special ABC area" means an area that meets the following requirements:

Either:

a. ~~1.~~ ~~Has~~ The area has fewer than 500 permanent ~~residents;~~ residents, and the area:

~~2.~~1. Is located in a county that borders another state, that has at least one city that has approved the operation of an ABC store, and in which the sale of unfortified wine and malt beverages is permitted countywide or in at least two cities; and

~~3.~~2. Contains more than 500 contiguous acres made up of privately-owned land and land owned by an association or a club that is exempt from income tax on its membership income under Article 4 of Chapter 105 of

the General Statutes, has more than 200 members, was created for municipal and recreational purposes, and, for three or more years, has levied assessments or dues and provided municipal services; or

b. ~~1.~~ ~~Has~~ The area has more than 500 permanent ~~residents;~~residents, and the area:

~~2.~~1. Is located in a county:

I. Where ABC stores have heretofore been established but in which the sale of mixed beverages has not been approved;

II. That borders on a county that has approved the sale of alcoholic beverages countywide and contains an international airport; and

III. Borders on a county where ABC stores have heretofore been established by petition pursuant to law; and

~~3.~~2. Contains more than 500 contiguous acres made up of privately-owned land and land owned by an association or a club that is exempt from income tax on its membership income under Article 4 of Chapter 105 of the General Statutes, has more than 200 members, was created for municipal and recreational purposes, and, for three or more years, has levied assessments or dues and provided municipal ~~services.~~ services; or

c. The area is an area of a county where the following requirements are met:

1. The county borders on the Atlantic Ocean and has a seaport supporting oceangoing vessels;

2. ABC stores have been established in the county and the sale of mixed beverages is allowed in six or more municipalities;

3. The population of the county, according to the 2000 census, exceeds 52,000;

4. The tourism economy of the county is made up of more than 3,000 tourism-related jobs; and

5. Tourism expenditures within the county exceed two hundred million dollars ($200,000,000) annually."

SECTION 2. G.S. 18B-901(c) reads as rewritten:

"(c) Factors in Issuing Permit. – Before issuing a permit, the Commission shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is a suitable place to hold the permit for which he has applied. To be a suitable place, the establishment shall comply with all applicable building and fire codes. Other

factors the Commission shall consider in determining whether the applicant and the business location are suitable are:

(1) The reputation, character, and criminal record of the applicant;

(2) The number of places already holding ABC permits within the neighborhood;

(3) Parking facilities and traffic conditions in the neighborhood;

(4) Kinds of businesses already in the neighborhood;

(5) Whether any principal entrance of the establishment is located within 50 feet as measured from any principal entrance of a ~~church or~~church, public school or church school;

(6) Zoning laws;

(7) The recommendations of the local governing body; and

(8) Any other evidence that would tend to show whether the applicant would comply with the ABC laws and whether operation of his business at that location would be detrimental to the neighborhood."

SECTION 3.(a) G.S. 18B-309 reads as rewritten:

"**§ 18B-309. Alcoholic beverage sales in Urban Redevelopment Areas.**

(a) A food business as defined in G.S. 18B-1000(3), a retail business as defined in G.S. 18B-1000(7), or an eating establishment as defined in G.S. 18B-1000(2) that holds an ABC permit under this Chapter and is located in a part of a city that has been designated as an Urban Redevelopment Area under Article 22 of Chapter 160A of the General Statutes shall not have alcoholic beverage sales in excess of fifty percent (50%) of the business's total annual sales. The city council, or its designee, shall file a certified copy of the official action and original documents, including a map or similar information, designating the area as an Urban Redevelopment Area. The Commission shall make this information available to any permittee who makes a request for this information to the Commission.

(b) Upon request of a city, the Commission shall investigate the total annual alcohol sales and total sales of a business as defined in this section. The Commission shall report the results of such an investigation to the city council, and the report shall contain only the percentage of annual alcohol sales in proportion to the business's total annual sales. A city may request an investigation of a particular business by the Commission only once in each calendar year. These audits may be conducted by the Commission only upon the request of the city council.

(c) Businesses covered by this section shall maintain full and accurate monthly records of their finances, separately indicating each of the following:

(1) Amounts expended by the business for the purchase of alcoholic beverages and the quantity of alcoholic beverages purchased;

(2) Amounts collected from the sale of alcoholic beverages sold; and

(3) Amounts collected from the sale of food, nonalcoholic beverages, and all other items sold by the business.

Records of purchases of alcoholic beverages and sales of alcoholic beverages shall be filed separate and apart from all other records maintained on the premises, and all records related to alcoholic beverages, including original invoices, shall be maintained on the premises for three years and shall be open for inspection and audit pursuant to G.S. 18B-502."

SECTION 3.(b) G.S. 18B-904(e) reads as rewritten:

"(e) Business or Location No Longer Suitable. –

(1) The Commission may suspend or revoke a permit issued by it if, after compliance with the provisions of Chapter 150B of the General Statutes, it finds that the location occupied by the permittee is no longer a suitable place to hold ABC permits or that the operation of the business with an ABC permit at that location is detrimental to the neighborhood. No order revoking or suspending an ABC permit pursuant to this section may be made except upon substantial evidence admissible under G.S. 150B-29(a).

(2) The Commission shall suspend or revoke a permit issued by it if a permittee is in violation of G.S. 18B-309. Notwithstanding subdivision (e)(1) of this section, the Commission shall, by order and without prior hearing, summarily suspend or revoke a permit issued by it if a permittee is in violation of G.S. 18B-309(c) when, prior to the period of time for which the audit is to be conducted, the city council has filed information designating the location of the Urban Redevelopment Area as required under G.S. 14-309(a) and has provided actual notice to permittees located in the Urban Redevelopment Area that they are located in such an area and must abide by G.S. 18B-309(c). Upon entry of a summary order under this subdivision, the Commission shall promptly notify all interested parties that the order has been entered and of the reasons therefore. The order will remain in effect until it is modified or vacated by the Commission. The permittee may, within 30 days after receipt of notice of the order, make written request to the Commission for a hearing on the matter. If a hearing is requested, after compliance with the provisions of Chapter 150B of the General Statutes, the Commission shall issue an order to affirm, reverse, or modify its previous action."

SECTION 4. G.S. 18B-600(f) reads as rewritten:

"(f) Township Elections. ~~In a~~ An election may be called on any of the propositions listed in G.S. 18B-602 in any township located within:

(1) A county where ABC stores have heretofore been established by petition pursuant to ~~law, an election may be called in any township on any of the propositions listed in G.S. 18B-602.~~law.

(2) A county where ABC stores have been established pursuant to law, in which county according to data from the North Carolina Department

of Commerce: (i) one-third or more of the employment is travel related, (ii) spending on travel exceeds four hundred million dollars ($400,000,000) per year, and where the entirety of two townships consists of one island (and several smaller islands not making up more than one percent (1%) of the total land area of the two townships) where that island:

a. Has a population of 4,000 or over according to the most recent decennial federal census;

b. Is located with one side facing the ocean and another side facing a coastal sound.

In the case of subdivision (2) of this section, an election may be called in the two townships voting together on the proposition contained in G.S. 18B-602(h).

The election shall be held by the county board of elections upon request of the county board of commissioners or upon petition of twenty-five percent (25%) of the registered voters of the ~~township.~~ township, or in the case of subdivision (2) of this section, of the two townships taken together. The election shall be conducted and the results determined in the same manner as county elections held under this Article. For purposes of this Article, townships holding any election under this subsection shall be treated on the same basis as counties, and municipalities located within those townships shall be treated on the same basis as cities. In the case of an election under subdivision (2) of this subsection, the votes of the two townships counted together shall determine the result of the election.

In order for an establishment to qualify for a permit under this subsection, the establishment's gross receipts from food and nonalcoholic beverages shall be greater than its gross receipts from alcoholic beverages."

SECTION 5. G.S. 95-25.5(j) reads as rewritten:

"(j) No person who holds any ABC permit issued pursuant to the provisions of Chapter 18B of the General Statutes for the on-premises sale or consumption of alcoholic beverages, including any mixed beverages, shall employ a youth:

(1) Under 16 years of age on the premises for any ~~purpose;~~purpose, unless the youth is at least 14 years of age and each of the following conditions is met:

a. The person obtains the written consent of a parent or guardian of the youth.

b. The youth is employed to work on the outside grounds of the premises for a purpose that does not involve the preparation, serving, dispensing, or sale of alcoholic beverages.

(2) Under 18 years of age to prepare, serve, dispense or sell any alcoholic beverages, including mixed beverages."

SECTION 6. In the event that a court of competent jurisdiction holds that any provision of this act is unconstitutional or otherwise invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the

invalid provisions or application, and to this end the provisions of each section of this act are severable one from the other and from the remainder of this act.

SECTION 7. This act is effective when it becomes law. Subsection 3(b) of this act applies to violations occurring on or after the effective date of this act.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Senate Committee Substitute for
H.B. 948 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA", TO CLARIFY HOW DISTANCES BETWEEN ABC ESTABLISHMENTS AND CHURCHES AND SCHOOLS ARE MEASURED, TO AUTHORIZE THE SUMMARY REVOCATION OR SUSPENSION OF AN ABC PERMIT FOR VIOLATIONS RELATING TO ALCOHOLIC BEVERAGE SALES IN URBAN REDEVELOPMENT AREAS, AND TO MODIFY THE LAW CONCERNING MIXED BEVERAGE ELECTIONS ON BARRIER ISLANDS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☒ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules
Name of Committee

11-8-01
Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Bill Scoggin	Kennedy Covington
Andy Ellen	NCRMA
DG	NC 778
Stephanie Manns	NCAR
Jim Hobbs	NCHMA
Carole Lawler	EGHS
Deb Ross	ACLU
David Fenell	Hofer Caldwell & Fenell PA
Bruce Thompson	Parker Poe Adams & Bernstein
Ruth Sappie	NCDOT
John Kent	NCFPC
Richard Houser	Insider
	Miller WTR Star

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
NOVEMBER 15, 2001
1:50 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 231 – BUDGET TECHNICAL CORRECTIONS

HB 1061 - ALLOCATION OF WATER/SEWER SERVICE COSTS

SB 970-GRAPE GROWERS COUNCIL FUNDS

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

November 15, 2001

The Committee on Rules, Calendar and Operations of the House met on November 15, 2001 at 1:50 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barnhart, Boyd-McIntyre, Culp, Gibson, Gulley, Jarrell, Luebke, McComas, McCombs, Rogers, Setzer, Sherrill and Yongue.

The following bills were considered:

SENATE COMMITTEE SUBSTITUTE TO HOUSE BILL 231 – AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001. The chairman announced that The Education Revenue Act was the original bill which passed the House. The chairman stated that the Senate put the provisions of that bill into the budget bill. They then stripped the Education Revenue Act provisions and added some appropriations matters and sent the bill back to the House. The House Appropriations chairs have need of this bill, and it is their wish that the House do not concur in the Senate committee substitute so they can put it in conference and use it to clean up some appropriations matters. He asked for a motion that the committee do not concur with the Senate committee substitute. Representative Yongue so moved, and the motion passed.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 1061 - AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT. The chairman stated that the bill was given a favorable report by the Committee on Public Health and sent to the Senate. A committee substitute was adopted, but when it came back to the House Representative Gibson asked that it be held in the Rules Committee until he was ready for the House to take action on the issue of concurrence. He has now asked that the bill be calendared. George Givens, staff attorney, was recognized and stated that apartment units in this state traditionally have had master meters, and that the cost of water has been included in the rent. The bill would allow apartment owners to install individual meters so that individual tenants can be billed for the amount of water they use. He stated further that the bill is drawn in a way that attempts to satisfy the EPA and state soil and water conservation regulations. Representative Gibson, bill sponsor, was then recognized and stated that the bill is designed to conserve water. It will allow apartment complexes in the state to monitor water usage and instill responsibility into the tenants. He made a motion to recommend that the House do not concur with the Senate committee substitute and request that conferees be appointed. Representative Sherrill inquired if the bill also applies to office condominiums. Mr. Givens replied that no one had asked that question before and he would look into it. The chairman suggested that the conference committee might want to specifically address that question. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 970 – AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL. The chairman stated that the bill appears to double the allocation from the Department of Agriculture to the North Carolina Grape Growers Council for use in promoting North Carolina's grape wine industry. He also stated that it had passed the Senate and was sent to the House Committee on Finance. It was given a favorable report by that committee and has since been held in the Rules Committee. The Speaker has now directed that it be calendared. The chairman asked for a motion that the bill be reported without prejudice. Representative Luebke so moved, and 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 2001

H 6

HOUSE BILL 231

Committee Substitute Favorable 8/23/01
Committee Substitute #2 Favorable 8/28/01
Fourth Edition Engrossed 8/30/01
Senate Finance Committee Substitute Adopted 9/18/01
Senate Appropriations/Base Budget Committee Substitute Adopted 9/27/01

Short Title: Budget Technical Corrections. (Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CORRECTIONS TO THE HEALTH AND HUMAN SERVICES PROVISIONS.

SECTION 1.(a) Section 5.1(t) of S.L. 2001-424 reads as rewritten:

"**SECTION 5.1.(t)** The sum of one million five hundred thousand dollars ($1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year and~~ year, the sum of seven hundred thousand dollars ($700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year~~year, and the sum of seven hundred fifty thousand dollars ($750,000) appropriated in this section in the Social Services Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of this act."

SECTION 1.(b) G.S. 143-26, as amended by Section 6.7 of S.L. 2001-424, reads as rewritten:

"**§ 143-26. Director to have discretion as to manner of paying annual appropriations.**

"NONMEDICAID REIMBURSEMENT".

SECTION 1.(m) Section 21.29(a) of S.L. 2001-424 is amended by deleting "June 30, 2001," and substituting "~~June 30, 2001,~~June 30, 2002,".

PART II. REVISIONS TO SPONSORS NAMES.

SECTION 2. The "Requested by" texts for Sections 30.5, 31.5, 31.6, 31.7, 31.10, and 31.12 of S.L. 2001-424 are rewritten to read:

"Requested by: Senators Dalton, Lucas, Garrou, Plyler, Odom, Lee; Representatives Boyd-McIntyre, Rogers, Yongue, Easterling, Oldham, Redwine, Thompson".

SECTION 3. The "Requested by" text of Section 31.8 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Plyler, Odom, Lee; Representatives Easterling, Oldham, Redwine, Thompson".

PART III. OTHER TECHNICAL CORRECTIONS.

SECTION 4. Section 14D.3 of S.L. 2001-424 reads as rewritten:

"**SECTION 14D.3.** The Department of Revenue may ~~used~~ use up to two hundred thirty thousand one hundred sixty dollars ($230,160) in lapsed salary funds for the 2001-2002 fiscal year to hire temporary personnel to implement the change in the State sales tax rate effective October 16, 2001, as enacted by this act. In addition, the Department of Revenue may draw up to two hundred thirty thousand dollars ($230,000) from collections under Article 5 of Chapter 105 of the General Statutes for the 2001-2002 fiscal year to pay for printing, mailing, and other one-time costs necessary to implement the changes in the State sales tax effective October 16, 2001, as enacted by this act."

SECTION 5. Section 24.11 of S.L. 2001-424 reads as rewritten:

"**SECTION 24.11.** Of the funds appropriated in this act for the 2001-2003 biennium, the Department of Juvenile Justice and Delinquency Prevention may use up to three hundred fifty-one thousand two hundred thirty-three dollars ($351,233) each year of the biennium in available funds to increase the number of juveniles who can be served under the contract with Eckerd Wilderness Camp."

SECTION 6. Section 31.12(d) and Section 30.15A of S.L. 2001-424 are repealed.

SECTION 7. G.S. 143-48.3(e), as enacted in Section 15.6 of S.L. 2001-424, reads as rewritten:

"(e) The Board of Governors of The University of North Carolina ~~may~~ shall exempt North Carolina State University and the University of North Carolina at Chapel Hill from the electronic procurement system authorized by this Article until May 1, 2003, if the Board of Governors determines that each exemption is in the best interest of the respective constituent institutions. Each exemption shall be subject to the Board of Governors' annual review and reconsideration. Exempted constituent institutions shall continue working with the North Carolina E-Procurement Service as that system evolves and shall ensure that their proposed procurement systems are compatible with the North Carolina E-Procurement Service so that they may take advantage of this

service to the greatest degree possible. Before an exempted institution expands any electronic procurement system, that institution shall consult with the Joint Legislative Commission on Governmental Operations and the Joint Select Committee on Information Technology. By May 1, 2003, the General Assembly shall evaluate the efficacy of the State's electronic procurement system and the inclusion and participation of entities in the system."

SECTION 8. Section 30.5(i) of S.L. 2001-424, is amended by adding a quotation mark immediately before "d5".

SECTION 9. Section 6.11(d) of S.L. 2001-424 reads as rewritten:

"**SECTION 6.11.(d)** The Office of State Budget and Management shall report on the strategic plan developed pursuant to this section to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Information Technology, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by ~~October 1, 2001.~~January 1, 2002."

SECTION 10. S.L. 2001-424 is amended by adding the following new section to read:

"Requested by: Senators Jordan, Ballance, Rand, Clodfelter, Plyler, Odom, Lee; Representatives Culpepper, Haire, Justus, Luebke, Easterling, Oldham, Redwine, Thompson

POSITIONS FOR TRAFFIC LAW ENFORCEMENT STATISTICS

SECTION 23.12. The Department of Justice may use funds appropriated to the Department for the 2001-2003 biennium to create up to three full-time permanent positions to implement the collection of traffic law enforcement information by certain local law enforcement agencies, as required under G.S. 114-10(2a) as amended by Section 23.7(a) of this act."

SECTION 11. This act becomes effective July 1, 2001.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House** .

☒ Senate Committee Substitute #2 for
H.B. 231 A BILL TO BE ENTITLED AN ACT AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS ACT OF 2001.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☒ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 2

HOUSE BILL 1061

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 10/3/01

Short Title: Allocation of Water/Sewer Service Costs. (Public)

Sponsors:

Referred to:

April 10, 2001

A BILL TO BE ENTITLED

AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 62-110(g) reads as rewritten:

"(g) ~~In addition to the authority to issue a certificate of public convenience and necessity and establish rates otherwise granted in this Chapter, the Commission shall be authorized,~~ The Commission may, consistent with the public interest, ~~to~~ adopt procedures ~~for the purpose of allowing resale of water and sewer service provided~~ that allow for the allocation of costs for providing water and sewer service on a use basis to persons who occupy the same contiguous ~~premises (as such term shall be defined by the Commission)~~ premises, as defined by the Commission, at a rate ~~or charge which~~ that does not exceed the actual purchase price of ~~such~~ the service to the provider plus a reasonable administrative fee. The Commission shall ~~issue~~ adopt rules to implement ~~the services authorized by this subsection and,~~ this subsection. ~~notwithstanding~~ Notwithstanding any other provision of this Chapter, the Commission shall determine the extent to which ~~such~~ the services shall be regulated and, to the extent necessary to protect the public interest, regulate the terms, conditions, and rates ~~charged~~ that may be allocated for ~~such~~ the services. A written rental agreement for a dwelling unit may establish a variable monthly rent that is the sum of the base rent, which shall be specified in the agreement, and the amount lawfully allocated to the dwelling unit pursuant to this subsection and rules adopted by the Commission to implement the provisions of this subsection. Nothing in this subsection shall be construed to alter the rights, obligations, or remedies of persons providing ~~such~~ water and sewer services and their customers under any other provision of law."

SECTION 2. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Senate Committee Substitute for
H.B. 1061 A BILL TO BE ENTITLED AN ACT TO SPECIFY THE PROCESS BY WHICH THE COST OF PROVIDING WATER AND SEWER SERVICE MAY BE ALLOCATED TO A DWELLING UNIT.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☒ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 970

Finance Committee Substitute Adopted 8/22/01

Short Title: Grape Growers Council Funds. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-113.81A reads as rewritten:

"**§ 105-113.81A. Distribution of part of wine taxes attributable to North Carolina wine.**

The Secretary shall on a quarterly basis credit to the Department of Agriculture and Consumer Services ~~ninety-four percent (94%) of~~ the net proceeds of the excise tax collected on unfortified wine bottled in North Carolina during the previous quarter and ~~ninety-five percent (95%) of~~ the net proceeds of the excise tax collected on fortified wine bottled in North Carolina during the previous quarter, except that the amount credited to the Department of Agriculture and Consumer Services under this section shall not exceed ~~one hundred seventy-five thousand dollars ($175,000)~~ three hundred fifty thousand dollars ($350,000) per fiscal year. The Department of Agriculture and Consumer Services shall allocate the funds received under this section to the North Carolina Grape Growers Council to be used to promote the North Carolina grape and wine industry and to contract for research and development services to improve viticultural and enological practices in North Carolina. Any funds credited to the Department of Agriculture and Consumer Services under this section that are not expended by June 30 of any fiscal year may not revert to the General Fund, but shall remain available to the Department for the uses set forth in this section."

SECTION 2. This act becomes effective October 1, 2001, and applies to distributions made on or after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**.

☒ Committee Substitute for
S.B. 970 A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF WINE TAX PROCEEDS EARMARKED ANNUALLY FOR THE GRAPE GROWERS COUNCIL.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules - House — 11/15/09

Name of Committee — Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Paula A. Wolf	Covenant w/ NC's Children
Hal Miller	NCACCT
Shaw Matthews	DOT - DMV
Trissy Porter	Bone & Associates
Laura DeVito	DENR
Cindy Ellen	NCRMA
Steve Woodson	NC Farm Bureau
Deb Ross	ACLU
BRUCE THOMASON	PARKER POE ADAMS + BERNSTEIN
Suzanne Wimes	NCCCS

AGENDA
COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
November 27, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATIONS OF BILLS

SB 914 – AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS

ADJOURNMENT

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 2

SENATE BILL 914
Education/Higher Education Committee Substitute Adopted 4/24/01

Short Title: Amend Law Regarding Sch. Construction Projects. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-521 reads as rewritten:

"**§ 115C-521. Erection of school buildings.**

(a) It shall be the duty of local boards of education to provide classroom facilities adequate to meet the requirements of G.S. 115C-47(10) and 115C-301. Local boards of education shall submit their long-range plans for meeting school facility needs to the State Board of Education ~~by January 1, 1988, and~~ every five ~~years thereafter.~~years. In developing these plans, local boards of education shall consider the costs and feasibility of renovating old school buildings instead of replacing them.

...

(c) The building of all new school buildings and the repairing of all old school buildings shall be under the control and direction of, and by contract with, the board of education for which the building and repairing is done. If a board of education is considering building a new school building to replace an existing school building, the board shall not invest any construction money in the new building unless it submits to the State Superintendent and the State Superintendent submits to the North Carolina Historical Commission an analysis that compares the costs and feasibility of building the new building and of renovating the existing building and that clearly indicates the desirability of building the new building. No board of education shall invest any money in any new building until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, ~~and~~ (iii) reviewed the plans based upon a consideration of the comments it receives from the ~~State Board.~~School Planning Section of the Department of Public Instruction as to structural and functional soundness, safety, and sanitation, and (iv) ensured that the proposed construction or renovation complies with all applicable requirements of the North Carolina State Building Code and of local building

and electrical codes. No local board of education shall contract for more money than is made available for the erection of a new building. However, this subsection shall not be construed so as to prevent boards of education from investing any money in buildings that are being constructed pursuant to a continuing contract of construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing and all buildings shall be inspected, received, and approved by the local superintendent and the architect before full payment is made therefor. Nothing in this subsection shall prohibit boards of education from repairing and altering buildings with the help of janitors and other regular employees of the board.

In the design and construction of new school buildings and in the renovation of existing school buildings that are required to be designed by an architect or engineer under G.S. 133-1.1, the local board of education shall participate in the planning and review process of the Energy Guidelines for School Design and Construction that are developed and maintained by the Department of Public Instruction and shall adopt local energy-use goals for building design and operation that take into account local conditions in an effort to reduce the impact of operation costs on local and State budgets. In the design and construction of new school facilities and in the repair and renovation of existing school facilities, the local board of education shall consider the placement and design of windows to use the climate of North Carolina for both light and ventilation in case of power shortages. A local board shall also consider the installation of solar energy systems in the school facilities whenever practicable.

In the case of any school buildings erected, repaired, or equipped with any money loaned or granted by the State to any local school administrative unit, no board of education shall invest any money until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, ~~and~~ (iii) reviewed the plans based upon a consideration of the comments it receives from the ~~State Board.~~School Planning Section of the Department of Public Instruction as to structural and functional soundness, safety, and sanitation, and (iv) ensured that the proposed construction or renovation complies with all applicable requirements of the North Carolina State Building Code and of local building and electrical codes.

...."

SECTION 2. G.S. 115C-530(a)(4) reads as rewritten:

"(a) Local boards of education may enter into operational leases of real or personal property for use as school buildings or school facilities. Operational leases for terms of less than three years shall not be subject to the approval of the board of county commissioners. Operational leases for terms of three years or longer, including periods that may be added to the original term through the exercise of options to renew or extend, are permitted if all of the following conditions are met:

...

(4) Any construction, repair, or renovation of the property is in compliance with the requirements of ~~G.S. 115C-521(c) relating to energy guidelines.~~G.S. 115C-521.

For purposes of this section, an operational lease is defined according to generally accepted accounting principles.

...."

SECTION 3. This act becomes effective July 1, 2001, and applies to projects submitted to the School Planning Section of the State Board of Education on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 914

Education/Higher Education Committee Substitute Adopted 4/24/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S914-CSRU-96 [v.7]

11/27/2001 12:34:40 PM

Short Title: Public Construction Law Changes. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK, AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDINGS; TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS; AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE.

The General Assembly of North Carolina enacts:

PART I. CONSTRUCTION CHANGES

SECTION 1. G.S. 143-64.31 reads as rewritten:

"**§ 143-64.31. Declaration of public policy.**

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, ~~and~~ surveying and construction management at risk services, to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other

than unit price information at this stage, and thereafter to negotiate a contract for ~~architectural, engineering, or surveying~~ those services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm. Selection of a firm under this Article shall include the use of good faith efforts by the public entity to notify minority firms of the opportunity to submit qualifications for consideration by the public entity."

SECTION 2. Article 8 of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143-128.1. Construction management at risk contracts.**

(a) For purposes of this section and G.S. 143-64.31:

(1) "Construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

(2) "Construction management at risk services" means services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases, (ii) who is licensed as a general contractor, and (iii) who guarantees the cost of the project.

(3) "Construction manager at risk" means a person, corporation, or entity that provides construction management at risk services.

(4) "First-tier subcontractor" means a subcontractor who contracts directly with the construction manager at risk.

(b) The construction manager at risk shall be selected in accordance with Article 3D of this Chapter. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer.

(c) The construction manager at risk shall contract directly with the public entity for all construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The pre-qualification criteria shall be determined by the public entity and the construction manager at risk to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the public entity. The public entity shall require the construction manager at risk to submit its plan for compliance with G.S. 143-128.2 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager at risk and first-tier subcontractors shall make a good faith effort to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2. A construction manager at risk may perform a portion of the work only if (i) bidding produces no

responsible, responsive bidder for that portion of the work, the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner, and (ii) the public entity approves of the construction manager at risk's performance of the work. All bids shall be opened publicly and shall be public records under Chapter 132 of the General Statutes. The construction manager at risk shall act as the fiduciary of the public entity in handling and opening bids. The construction manager at risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager at risk is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall provide for a dispute resolution procedure as provided in G.S. 143-128(g).

(d) The construction manager at risk shall provide a performance and payment bond to the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes."

SECTION 3. G.S. 143-128 reads as rewritten:

"**§ 143-128. Requirements for certain building contracts.**

(a) Preparation of specifications. – Every officer, board, department, commission or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration or repair of any buildings for the State, or for any county, municipality, or other public body, ~~must~~ shall have prepared separate specifications for each of the following subdivisions or branches of work to be performed:

(1) Heating, ventilating, air conditioning and accessories (separately or combined into one conductive ~~system) and/or~~system), refrigeration for cold storage (where the cold storage cooling load is 15 tons or more of refrigeration), and all ~~work kindred thereto.~~related work.

(2) Plumbing and gas fittings and accessories, and all ~~work kindred thereto.~~related work.

(3) Electrical wiring and installations, and all ~~work kindred thereto.~~related work.

(4) General work not included in subdivisions (1), (2), and (3) of this subsection relating to the erection, construction, alteration, or repair of any ~~building above referred to, which work is not included in the above listed three subdivisions or branches.~~building.

~~All such specifications must~~ Specifications for contracts that will be bid under the separate-prime system or dual bidding system shall be ~~so~~ drawn as to permit separate

and independent bidding upon each of the subdivisions ~~or branches~~ of work enumerated ~~above.~~ in this subsection ~~for contracts that will be bid under the separate-prime system or dual bidding system.~~ The above enumeration of subdivisions or branches of work shall not be construed to prevent any officer, board, department, commission or commissions from preparing additional separate specifications for any other category of work.

(a1) Construction methods. – The State, a county, municipality, or other public body shall award contracts to erect, construct, alter, or repair buildings pursuant to any of the following methods:

(1) Separate-prime bidding.
(2) Single-prime bidding.
(3) Dual bidding pursuant to subsection (d1) of this section.
(4) Construction management at risk contracts pursuant to G.S. 143-128.1.
(5) Alternative contracting methods authorized pursuant to G.S. 143-135.26(9).

(b) ~~Building projects over five hundred thousand dollars ($500,000); separate prime contracts. under the separate-prime contract system.~~ **Separate-prime contracts** – ~~Except as provided in subsection (d) of this section, when the entire cost of the erection, construction, alteration, or repair of a building exceeds five hundred thousand dollars ($500,000),~~ When the State, county, municipality, or other public body uses the separate-prime contract system, it shall accept bids for each subdivision ~~or branch~~ of work for which specifications are required to be prepared under subsection (a) of this section and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. ~~When the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required by this subsection is less than twenty-five thousand dollars ($25,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost.~~The contracts shall be awarded to the lowest responsible, responsive bidders, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. Bids may also be accepted from and awards made to separate contractors for other categories of work.

Each separate contractor shall be directly liable to the State of North Carolina, or to the ~~county or municipality,~~ county, municipality, or other public body and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this section, "separate contractor" means any person, firm or corporation who shall enter into a contract with the State, or with any county, municipality, or other public ~~body, entity for the erection, construction, alteration~~to erect, construct, alter or repair ~~of~~ any building or buildings, or parts ~~thereof.~~of any building or buildings.

~~(c) Building projects five hundred thousand dollars ($500,000) or less. When the entire cost of the erection, construction, alteration, or repair of a building is five hundred thousand dollars ($500,000) or less, the State, county, municipality, or other public body may accept bids under the single-prime contract system, the separate prime contract system, or both. The provisions of subsection (b) of this section apply to the use of the separate prime contract system under this subsection. The provisions of subsection (d) of this section apply to the use of the single-prime contract system under this section, except that bidding in the alternative between the single-prime and separate prime systems is not required. Contracts bid in the alternative between the single-prime and separate prime systems under this subsection must be awarded to the lowest responsible bidder or bidders, as provided in subsection (d) of this section.~~

(d) Single-prime ~~and alternative~~ contracts. – ~~The State, a county, municipality, or other public body may accept bids under the single-prime contract system or a contracting method approved by the State Building Commission under G.S. 143-135.26.~~

~~If the State, county, municipality, or other public body accepts bids under the single-prime contract system, it must also seek bids for the project under the separate prime contract system, except as otherwise authorized under G.S. 143-135.26, and award the contract to the lowest responsible bidder or bidders for the total project, taking into consideration quality, performance and the time specified in the bids for the performance of the contract.~~

~~When bids are accepted under the single-prime contract system all~~All bidders ~~must~~ in a single-prime project shall identify on their bid the contractors they have selected for the subdivisions or branches of work for:

(1) Heating, ventilating, and air conditioning;
(2) Plumbing;
(3) Electrical; and
(4) General.

~~No contractor whose bid is accepted~~The contract shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractor listed in the original bid, except (i) if the listed subcontractor's bid is later determined by the contractor to be nonresponsible or nonresponsive or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or (ii) with the approval of the awarding authority for good cause shown by the contractor. The terms, conditions, and requirements of each contract between the contractor and a subcontractor performing work under a subdivision or branch of work listed in this subsection shall ~~be substantially the same as~~incorporate by reference the terms, conditions, and requirements of the contract between the contractor and the State, county, municipality, or other public body.

~~The requirements of this subsection governing the identification of bidders, substitution of contractors,and the terms and conditions of subcontractor's contracts apply to all single-prime bidding and single-prime contracts, regardless of whether bidding in the alternative between the single-prime and separate-prime systems has been waived by the State Building Commission.~~When contracts are awarded pursuant to this section, the public body shall make available to subcontractors the dispute resolution process as provided for in subsection (g) of this section.

(d1) ~~Local school administrative units; building projects over five hundred thousand dollars ($500,000).~~ Dual bidding. – ~~When the entire cost of the building project is more than five hundred thousand dollars ($500,000), a local school administrative unit shall seek bids as provided in subsection (b) or (d) of this section or this subsection. The local school administrative unit~~ The State, a county, municipality, or other public entity may accept bids to erect, construct, alter, or repair a building under both the single-prime and separate-prime contracting systems and shall award the contract to the lowest ~~responsible~~ responsible, responsive bidder under the single-prime system or to the lowest ~~responsible~~ responsible, responsive bidder under the separate-prime system, taking into consideration quality, performance, compliance with G.S. 143-128.2, and time specified in the bids ~~for performance of~~to perform the contract. In determining the system under which the contract will be awarded to the lowest ~~responsible~~ responsible, responsive bidder, the ~~local school administrative unit~~ public entity may consider cost of construction oversight, time for completion, and other factors it ~~deems~~ considers appropriate. ~~The local school administrative unit shall not open any bid solicited under subsection (d) of this section unless the unit receives at least three competitive bids from reputable and qualified contractors regularly engaged in their respective lines of endeavor and unless the unit receives a bid from at least one general contractor under the separate-prime system.~~ The bids received as separate-prime bids shall be ~~submitted three hours~~ received, but not opened, one hour prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by that subcontractor to the ~~local school administrative unit~~ public entity under the separate-prime system. ~~Each single prime bid that identifies the contractors selected to perform the three major subdivisions or branches of work described in subsection (d) of this section and that lists the contractors' respective bid prices for those branches of work shall constitute a single competitive bid, and each full set of separate prime bids for all of the branches of work described in subsection (d) of this section shall constitute a single competitive bid. If after advertisement as required by G.S. 143-129, the local school administrative unit has not received the minimum number of competitive bids as required by this subsection, the unit shall again advertise for bids. If the required minimum number of bids is not received as a result of the second advertisement, the unit may let the contract to the lowest responsible bidder that submitted a bid for the project, even though the unit received only one bid. A contractor must provide an affidavit to the local school~~

~~administrative unit that it has made the good faith effort required pursuant to G.S. 143-128(f), and failure to file the affidavit is grounds for rejection of the bid. All provisions of Article 8 of Chapter 143 of the General Statutes that are not inconsistent with this subsection shall apply to local school administrative units.~~ The provisions of subsection (b) of this section shall apply to separate-prime contracts awarded pursuant to this section and the provisions of subsection (d) of this section shall apply to single-prime contracts awarded pursuant to this section.

(e) Project expediter; scheduling; public body to resolve project disputes. – The State, county, municipality, or other public body may, if specified in the bid documents, provide for assignment of responsibility for expediting the work on ~~the~~ a project to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for ~~the preparation of~~preparing the project schedule and shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the public body may provide in the contract documents for resolution of project disputes through alternative dispute resolution processes ~~such as mediation or arbitration.~~as provided for in subsection (g) of this section.

~~(f) Minority goals. The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each building project. Each city, county, or other public body shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for each building.~~As used in this subsection:

~~(1) The term "minority business" means a business:~~

~~a. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons; and~~

~~b. Of which the management and daily business operations are controlled by one or more of the minority persons who own it.~~

~~(2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:~~

~~a. Black, that is, a person having origins in any of the black racial groups in Africa;~~

~~b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;~~

~~c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;~~

~~d. American Indian or Alaskan Native, that is, a person having origins in any of the original peoples of North America; or~~

~~e. Female.~~

~~(3) The term "verifiable goal" means:~~

~~a. For purposes of the separate prime contract system, that the awarding authority has adopted written guidelines specifying the actions that will be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section.~~

~~b. For purposes of the single prime contract system, that the awarding authority has adopted written guidelines specifying the actions that the prime contractor must take to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section; the required actions must be documented in writing by the contractor to the appropriate awarding authority.~~

~~c. For purposes of an alternative contracting system authorized by the State Building Commission under G.S. 143-135.26(9), that the awarding authority has adopted written guidelines specifying the action to be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under this section. The State, counties, municipalities, and all other public bodies shall award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority business contractors or minority business subcontractors who do not submit the lowest responsible bid or bids.~~

(g) Dispute resolution. – A public entity shall use the dispute resolution process adopted by the State Building Commission pursuant to G.S. 143-135.26(12), or shall adopt another dispute resolution process, which shall include mediation, to be used as an alterative to the dispute resolution process adopted by the State Building Commission. This dispute resolution process will be available to all the parties involved in the public entity's construction project including the public entity, the architect, the construction manager, the contractors, and the first and lower tier subcontractors, and shall be available for any issues arising out of the contract or

construction process. The public entity may set a reasonable threshold, not to exceed fifteen thousand dollars ($15,000), concerning the amount in controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity may require that the costs of the process be divided between the parties to the dispute with at least one-third of the cost to be paid by the public entity, if the public entity is a party to the dispute. The public entity may require in its contracts that a party participate in mediation concerning a dispute as a precondition to initiating litigation concerning the dispute.

~~(g)~~(h) Exceptions. – This section shall not apply to:

(1) The purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site.

(2) The erection, construction, alteration, or repair of a building when the cost thereof is ~~one hundred thousand dollars ($100,000) or less.~~ three hundred thousand dollars ($300,000) or less.

Notwithstanding the other provisions of this subsection, subsection (g) of this section shall apply to any erection, construction, alteration, or repair of a building by a public entity."

SECTION 3.1. Article 8 of Chapter 143 is amended by adding a new section to read:

"**§ 143-128.2. Minority business participation goals.**

(a) The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State. A local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a building project done by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is $100,000 or more, shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of the work; provided, however, a local government unit may apply a different verifiable goal that was adopted prior to December 1, 2001 if the local government unit had and continues to have a sufficiently strong basis in evidence to justify the use of that goal. On State building projects and building projects subject to the State goal requirement, the Secretary shall identify the appropriate percentage goal, based on adequate data, for each category of minority business as defined in G.S. 143-128.2(g)(1) based on the specific contract type.

Except as otherwise provided for in this subsection, each city, county, or other local public entity shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects in accordance with this subsection.

Each entity required to have verifiable percentage goals under this subsection shall make a good faith effort to recruit minority participation in accordance with this section or G.S. 143-131(b), as applicable.

(b) A public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects. Public entities shall make good faith efforts as set forth in subsection (e) of this section. Public entities shall require contractors to make good faith efforts pursuant to subsection (f) of this section. Each first-tier subcontractor on a construction management at risk project shall comply with the requirements applicable to contractors under this subsection.

(c) Each bidder, which shall mean first-tier subcontractor for construction manager at risk projects for purposes of this subsection, on a project bid under any of the methods authorized under G.S. 143-128(a1) shall identify on its bid the minority businesses that it will use on the project and shall include with the bid an affidavit attesting that it has made the good faith effort required pursuant to this subsection. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of an affidavit and documentation otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

(1) Within the time specified in the bid documents, either:

a. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith efforts shall be deemed to be a good faith effort; or

b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

(2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

(d) No subcontractor who is identified and listed pursuant to subsection (c) of this section may be replaced with a different subcontractor except:

(1) If the subcontractor's bid is later determined by the contractor or construction manager at risk to be nonresponsible or nonresponsive, or

the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or

(2) With the approval of the public entity for good cause.

Good faith efforts as set forth in G.S. 143-131(b) shall apply to the selection of a substitute subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the public entity of its good faith efforts pursuant to G.S. 143-131(b).

(e) Before awarding a contract, a public entity shall do the following:

(1) Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment and interaction between minority businesses and non-minority businesses.

(2) Attend the scheduled prebid conference.

(3) At least ten (10) days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid, of potential contracting opportunities listed in the proposal. The notification shall include the following:

a. A description of the work for which the bid is being solicited.

b. The date, time and location where bids are to be submitted.

c. The name of the individual within the public entity who will be available to answer questions about the project.

d. Where bid documents may be reviewed.

e. Any special requirements that may exist.

(4) Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.

(f) A public entity shall require bidders to undertake the following good faith efforts, to the extent required by the Secretary on projects subject to this section. The Secretary shall adopt rules establishing points to be awarded for taking each effort and the minimum number of points required, depending on project size, cost, type, and other factors considered relevant by the Secretary. The public entity may require that additional good faith efforts be taken, as indicated in its bid specifications. Good faith efforts include:

(1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.

(2) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them, at least 10 days before the bid or proposals are due.

(3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.

(4) Working with minority trade, community or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

(5) Attending any pre-bid meetings scheduled by the public owner.

(6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.

(7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

(8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

(9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

(10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

(g) As used in this section:

(1) The term "minority-business" means a business:

a. In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and

b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

(2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:

a. Black, that is, a person having origins in any of the black racial groups in Africa;
b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, the Pacific Islands;
d. American Indian, that is, a person having origins in any of the original Indian peoples of North America; or
e. Female.

(3) The term "socially and economically disadvantaged individual" means the same as defined in 15 U.S.C. 637.

(h) The State, counties, municipalities, and all other public bodies shall award public building contracts, including those awarded under G.S. 143-128.1, 143-129, and 143-131, without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

(i) Notwithstanding G.S. 132-3 and G.S. 121-5, all public records created pursuant to this section shall be maintained by the public entity for a period of not less than three years from the date of the completion of the building project.

(j) Except as provided in subsection (a) of this section, this section shall apply to building projects costing three hundred thousand dollars ($300,000) or more. This section shall not apply to the purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site."

SECTION 3.2. G.S. 113-315.36 reads as rewritten:

"**§ 113-315.36. Building contracts.**

(a) The following general laws, to the extent provided below, do not apply to the North Carolina Seafood Industrial Park Authority:

(1) Repealed by Session Laws 1999-368, s. 1.

(2) Except for ~~G.S. 143-128(f),~~G.S. 143-128.2, Article 8 of Chapter 143 of the General Statutes does not apply to public building contracts of the Authority that require the estimated expenditure of public money in an amount less than two hundred fifty thousand dollars ($250,000). With respect to a contract that is exempted from certain provisions of Article 8 under this subdivision, the powers and duties set out in Article 8 shall be exercised by the Authority, and the Secretary of

Administration and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contract.

(3) G.S. 143-341(3) does not apply to plans and specifications for construction or renovation authorized by the Authority that require the estimated expenditure of public money in an amount less than two hundred fifty thousand dollars ($250,000).

(b) Notwithstanding the other provisions of this section, the services of the Department of Administration may be made available to the Authority, when requested by the Authority, with regard to matters governed by Article 8 of Chapter 143 of the General Statutes and G.S. 143-341(3). The Authority shall report quarterly to the Joint Legislative Commission on Governmental Operations on any building contract to which this exemption is applied. The quarterly report required by this subsection shall specifically include information regarding the Authority's compliance with the provisions of ~~G.S. 143-128(f).~~G.S. 143-128.2."

SECTION 3.3. G.S. 143-129.4 reads as rewritten:

"§ 143-129.4. Guaranteed energy savings contracts.

The solicitation and evaluation of proposals for guaranteed energy savings contracts, as defined in Part 2 of Article 3B of this Chapter, and the letting of contracts for these proposals are governed solely by the provisions of that Part; except that guaranteed energy savings contracts are subject to the requirements of ~~G.S. 143-128(f).~~G.S. 143-128.2."

SECTION 3.4. G.S. 143B-437.29 reads as rewritten:

"§ 143B-437.29. Contracting with minority businesses.

The Authority must comply with the policies regarding contracting with minority businesses as set out in G.S. 143-48, ~~143-128(f),~~143-128.2, and 143-135.5 and with any other applicable laws. The Authority is subject to Executive Order Number 150, issued April 20, 1999, regarding contracting with historically underutilized businesses."

SECTION 3.5. G.S. 158-35(a), as amended by Section 20.13.(a) of S.L. 2001-424, reads as rewritten:

"(a) Commission Membership. – The governing body of the Zone is the Global TransPark Development Commission. The members of the Commission must be residents of the Zone and shall be appointed as follows:

(1) The board of commissioners of each county participating in the Zone shall appoint three voting members, one of whom shall be a minority person as defined in ~~G.S. 143-128(f)(2)~~G.S. 143-128.2(g)(2) and one of whom may be a member of the board of commissioners.

(2) The Commission shall appoint at least three but no more than seven voting members. By the appointment of these members, the Commission shall ensure that the voting membership of the Commission includes at least seven women and seven members of a racial minority described in ~~G.S. 143-128(f)(2).~~G.S. 143-128.2(g)(2).

The Commission shall appoint the fewest number of members necessary to achieve these minimums.

(3) Four nonvoting members shall be appointed as follows:

a. One appointed by the Chancellor of East Carolina University to represent the University.

b. One appointed by a majority vote of the presidents of the community colleges located in the Zone, to represent the community colleges.

c. One appointed by the chair of the State Ports Authority, to represent the sea ports of the State.

d. One member of the board of directors of the Global TransPark Foundation, Inc., appointed by that board."

SECTION 3.6. Article 8 of Chapter 143, is amended by adding a new section to read:

"**§ 143-128.3. Minority business participation administration.**

(a) All public entities subject to G.S. 143-128.2 shall report to the Department of Administration, Office of Historically Underutilized Business, the following with respect to each building project:

(1) The verifiable percentage goal.

(2) The type and total dollar value of the project, minority business utilization by minority business category, trade, total dollar value of contracts awarded to each minority group for each project, the applicable good faith effort guidelines or rules used to recruit minority business participation, and good faith documentation accepted by the public entity from the successful bidder.

(3) The utilization of minority businesses under the various construction methods under G.S. 143-128(a1).

The reports shall be in the format and contain the data prescribed by the Secretary of Administration. The University of North Carolina and the State Board of Community Colleges shall report quarterly and all other public entities shall report semi-annually. The Secretary of the Department of Administration shall make reports every six months to the Joint Legislative Committee on Governmental Operations on information reported pursuant to this subsection.

(b) A public entity that has been notified by the Secretary of its failure to comply with G.S. 143-128.2 on a project shall develop a plan of compliance that addresses the deficiencies identified by the Secretary. The corrective plan shall apply to the current project or to subsequent projects under G.S. 143-128, as appropriate, provided that the plan must be implemented, at a minimum, on the current project to the extent feasible. If the public entity, after notification from the Secretary, fails to file a corrective plan, or if the public entity does not implement the corrective plan in accordance with its terms, the Secretary may require one or both of the following:

(1) That the public entity consult with the Department of Administration, Office of Historically Underutilized Businesses on the development of a new corrective plan, subject to the approval of the Department. The public entity may designate a representative to appear on its behalf, provided that the representative has managerial responsibility for the construction project.

(2) That the public entity not bid another contract under G.S. 143-128 without prior review by the Department of a good faith compliance plan developed pursuant to subdivision (1) of this subsection. The public entity shall be subject to the review and approval of its good faith compliance plan under this subdivision with respect to any projects bid pursuant to G.S. 143-128 during a period of time determined by the Secretary, not to exceed one year.

A public entity aggrieved by the decision of the Secretary may file a contested case proceeding under Chapter 150B of the General Statutes.

(c) The Secretary shall study and recommend to the General Assembly and other State agencies ways to improve the effectiveness and efficiency of the State capital facilities development, minority business participation program and good faith efforts in utilizing minority businesses as set forth in G.S. 143-128.2 and other appropriate good faith efforts that may result in the increased utilization of minority businesses.

(d) The Secretary shall appoint an advisory board to develop recommendations to improve the recruitment and utilization of minority businesses. The Secretary, with the input of its advisory board, shall review the State's programs for promoting the recruitment and utilization of minority businesses involved in State capital projects and shall recommend to the General Assembly, the State Construction Office, The University of North Carolina, and the community college system, changes in the terms and conditions of State laws, rules and policies that will enhance opportunities for utilization of minority businesses on these projects. The Secretary shall provide guidance to these agencies on identifying types of projects likely to attract increased participation by minority businesses and breaking down or combining elements of work into economically feasible units to facilitate minority business participation.

(e) The Secretary shall adopt rules for State entities, The University of North Carolina and community colleges, and shall adopt guidelines for local government units, to implement the provisions of G.S. 143-128.2.

(f) The Secretary shall report findings and recommendations as required under this section to the Joint Legislative Committee on Governmental Operations annually on or before June 1st, beginning June 1, 2002."

SECTION 4. G.S. 143-129(a), as amended by S.L. 2001-328, reads as rewritten:

"(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than ~~one hundred thousand dollars ($100,000)~~ three hundred thousand dollars ($300,000) or purchase of apparatus,

supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ~~fifty thousand dollars ($50,000)~~ninety thousand dollars ($90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager or the chief purchasing official, or both, the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body."

SECTION 4.1. S.L.1999-52 is repealed.

SECTION 5. G.S. 143-129(e), as amended by S.L. 2001-328, is amended by adding a new subdivision to read:

"(11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1."

SECTION 5.1. G.S. 143-131 reads as rewritten:

"§ 143-131. When counties, cities, towns and other subdivisions may let contracts on informal bids.

(a) All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment, involving the expenditure of public money in the amount of five thousand dollars ($5,000) or more, but less than the limits prescribed in G.S. 143-129, made by any officer, department, board, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest ~~responsible~~ responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, or commission entering into such contract to keep a record of all bids submitted, and such record shall not be subject to public inspection until the contract has been awarded.

(b) All public entities shall solicit minority participation in contracts for the erection, construction, alteration or repair of any building awarded pursuant to this section. The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. All data, including the type of project, total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation shall be reported to the Department of Administration, Office for Historically Underutilized Business, upon the completion of the project."

SECTION 5.2. G.S. 143-135.5 reads as rewritten:

"**§ 143-135.5. State policy; cooperation in promoting the use of small, minority, physically handicapped and women contractors; purpose.**

(a) It is the policy of this State to encourage and promote the use of small, minority, physically handicapped and women contractors in State construction projects. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage and promote the use of small, minority, physically handicapped and women contractors in achieving the purpose of this Article, which is the effective and economical construction of public buildings.

(b) It is the policy of this State not to accept bids or proposals from, nor to engage in business with, any business that, within the last two years, has been finally found by a court or an administrative agency of competent jurisdiction to have unlawfully discriminated on the basis of race, gender, religion, national origin, age, physical disability, or any other unlawful basis in its solicitation, selection, hiring or treatment of another business."

SECTION 6. G.S. 133-1.1(a) reads as rewritten:

"(a) In the interest of public health, safety and economy, every officer, board, department, or commission charged with the duty of approving plans and specifications or awarding or entering into contracts involving the expenditure of public funds in excess of:

(1) ~~One~~ Three hundred thousand dollars ~~($100,000)~~($300,000) for the repair of public buildings where such repair does not include major structural change in framing or foundation support systems,

(1a) One hundred thousand dollars ($100,000) for the repair of public buildings affecting life safety systems.

(2) ~~Forty-five thousand dollars ($45,000)~~One hundred thirty-five thousand dollars ($135,000) for the repair of public buildings where such repair includes major structural change in framing or foundation support systems, or

(3) ~~Forty-five thousand dollars ($45,000)~~One hundred thirty-five thousand dollars ($135,000) for the construction of, or additions to, public buildings or State-owned and operated utilities,

shall require that such plans and specifications be prepared by a registered architect, in accordance with the provisions of Chapter 83A of the General Statutes, or by a registered engineer, in accordance with the provisions of Chapter 89C of the General Statutes, or by both architect and engineer, particularly qualified by training and experience for the type of work involved, and that the North Carolina seal of such architect or engineer together with the name and address of such architect or engineer, or both, be placed on all ~~such~~ these plans and specifications."

SECTION 7. G.S. 44A-26(a) reads as rewritten:

"(a) When the total amount of construction contracts awarded for any one project exceeds ~~one~~ three hundred thousand dollars ~~($100,000)~~($300,000), a performance and

payment bond as set forth in (1) and (2) is required by the contracting body from any contractor or construction manager at risk with a contract more than ~~fifteen thousand dollars ($15,000).~~fifty thousand dollars ($50,000). In the discretion of the contracting body, a performance and payment bond may be required on any construction contract as follows:

(1) A performance bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. Such bond shall be solely for the protection of the contracting body ~~which awarded the contract.~~that is constructing the project.

(2) A payment bond in the amount of one hundred percent (100%) of the construction contract amount, conditioned upon the prompt payment for all labor or materials for which a contractor or subcontractor is liable. The payment bond shall be solely for the protection of the persons furnishing materials or performing labor for which a ~~contractor or subcontractor~~contractor, subcontractor, or construction manager at risk is liable."

SECTION 8.(a) G.S. 116-31.11, as enacted and expired by S.L. 1997-412, is reenacted and reads as rewritten:

"**§ 116-31.11. Powers of Board regarding certain fee negotiations, contracts, and capital improvements.**

(a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Board shall, with respect to the design, construction, or renovation of buildings, utilities, and other property developments of The University of North Carolina requiring the estimated expenditure of public money of ~~five hundred thousand dollars ($500,000)~~two million dollars ($2,000,000) or less:

(1) Conduct the fee negotiations for all design contracts and supervise the letting of all construction and design contracts.

(2) Develop procedures governing the responsibilities of The University of North Carolina and its affiliated and constituent institutions to perform the duties of the Department of Administration and the Director or Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

(3) Develop procedures and reasonable limitations governing the use of open-end design agreements, subject to G.S. 143-64.34 and the approval of the State Building Commission.

(b) The Board may delegate its authority under subsection (a) of this section to a constituent or affiliated institution if the institution is qualified under guidelines adopted by the Board and approved by the State Building Commission and the Director of the Budget.

(c) The University shall use the standard contracts for design and construction currently in use for State capital improvement projects by the Office of State Construction of the Department of Administration.

(d) A contract may not be divided for the purpose of evading the monetary limit under this section.

(e) Notwithstanding any other provision of this Chapter, the Department of Administration shall not be the awarding authority for contracts awarded pursuant to this section."

SECTION 8.(b) Section 5.1 of S.L. 1997-412 is repealed.

SECTION 8.(c) Sections 5, 7, 8, and 10 of S.L. 1997-412 are reenacted.

SECTION 8.(d) G.S. 143-341(3) reads as rewritten:

"(3) Architecture and Engineering:

a. To examine and approve all plans and specifications for the construction or renovation of:

1. All State buildings; and

2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.

b. To assist, as necessary, all agencies in the preparation of requests for appropriations for the construction or renovation of all State buildings.

b1. To certify that a statement of needs pursuant to G.S. 143-6 is feasible. For purposes of this sub-subdivision, "feasible" means that the proposed project is sufficiently defined in overall scope; building program; site development; detailed design, construction, and equipment budgets; and comprehensive project scheduling so as to reasonably ensure that it may be completed with the amount of funds requested. At the discretion of the General Assembly, advanced planning funds may be appropriated in support of this certification. This sub-subdivision shall not apply to requests for appropriations of less than one hundred thousand dollars ($100,000).

c. To supervise the letting of all contracts for the design, construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision.

d. To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community college buildings whose plans and specifications

must be examined and approved under a.2. of this subdivision; and no such work may be accepted by the State or by any State agency until it has been approved by the Department.

Except for sub-subdivisions b. and b1. of this subdivision, this subdivision does not apply to the design, construction, or renovation of projects by The University of North Carolina pursuant to G.S. 116-31.11."

SECTION 8.(e) G.S. 133-1.1(d) reads as rewritten:

"(d) On projects on which no registered architect or engineer is required pursuant to the provisions of this section, the governing board or awarding authority shall require a certificate of compliance with the State Building Code from the city or county inspector for the specific trade or trades involved or from a registered architect or engineer, except that the provisions of this subsection shall not apply ~~on~~ to projects where any of the following apply:

(1) ~~wherein~~ Where plans and specifications are approved by the Department of Administration, Division of State Construction, and the completed project is inspected by the Division of State Construction and the State Electrical ~~Inspector, or on projects~~ Inspector.

(2) That are exempt from the State Building Code.

(3) That are subject to G.S. 116-31.11 and the completed project is inspected by the State Electrical Inspector and by The University of North Carolina or its constituent or affiliated institution.

(4) That are subject to G.S. 116-37(j) and the completed project is inspected by the State Electrical Inspector and by the University of North Carolina Health Care System.

(5) That are subject to G.S. 116-37(a)(4) and the completed project is inspected by the State Electrical Inspector and by the University of North Carolina Hospitals at Chapel Hill.

(6) That are subject to G.S. 116-37(a)(4) and the completed project is inspected by the State Electrical Inspector and the University of North Carolina at Chapel Hill on behalf of the clinical patient care programs of the School of Medicine of the University of North Carolina.

(7) That are subject to G.S. 116-40.6(e) and the completed project is inspected by the State Electrical Inspector and by East Carolina University on behalf of the Medical Faculty Practice Plan."

SECTION 9. G.S. 143-132(b) reads as rewritten:

"(b) For purposes of contracts bid in the alternative between the separate-prime and single-prime contracts, pursuant to ~~G.S. 143-128(c) or (d),~~G.S. 143-128(d1) each single-prime bid shall constitute a competitive bid in each of the four subdivisions or branches of work listed in G.S. 143-128(a), and each full set of separate-prime bids shall constitute a competitive single-prime bid in meeting the requirements of

subsection (a) of this section. If there are at least three single-prime bids but there is not at least one full set of separate-prime bids, no separate-prime bids shall be opened."

SECTION 10.(a) Section 2 of S.L. 1999-102 is repealed.

SECTION 10.(b) Section 3 of S.L. 1999-102 reads as rewritten:

"Section 3. This act is effective when it becomes ~~law and shall expire on June 30, 2003.~~law."

SECTION 10.(c) Section 8 of S.L. 1999-207 reads as rewritten:

"Section 8. This act is effective when it becomes ~~law and expires July 1, 2002.~~law."

SECTION 10.(d) Notwithstanding Article 8 of Chapter 143 of the General Statutes, New Hanover Regional Medical Center may use force account qualified personnel on its payroll to maintain, repair, renovate, and improve hospital and medical facilities that it owns, operates, or manages under the following conditions:

(1) The work is primarily for purposes of ensuring compliance with the Life Safety Code and other applicable codes, including requirements of the Joint Commission on the Accreditation of Healthcare Organizations, or involves work to the same or related components or areas of the building at the time of the compliance work.

(2) The force account labor is qualified to perform and is capable of performing the work in an active patient environment.

This Subsection 10(d) expires December 31, 2007.

PART II. CONSTRUCTION AND DESIGN ADMINISTRATION

SECTION 11. G.S. 143-135.26 reads as rewritten:

"§ 143-135.26. Powers and duties of the Commission.

The State Building Commission shall have the following powers and duties with regard to the State's capital facilities development and management program:

(1) To adopt rules establishing standard procedures and criteria to assure that the designer selected for each State capital improvement ~~project and~~ project, the consultant selected for planning and studies of an architectural and engineering nature associated with a capital improvement project or a future capital improvement project and a construction manager at risk selected for each capital improvement project has the qualifications and experience necessary for that capital improvement project or the proposed planning or study project. The rules shall provide that the State Building Commission, after consulting with the funded agency, is responsible and accountable for the final selection of the ~~designer and the final selection of the~~ designer, consultant or construction manager at risk except when the General Assembly or The University of North Carolina is the funded agency. When the General Assembly is the funded agency, the Legislative Services Commission is responsible and accountable for the final selection of the ~~designer and the final selection of~~

~~the~~designer, consultant, or the construction manager at risk and when the University is the funded agency, it shall be subject to the rules adopted hereunder, except it is responsible and accountable for the final selection of the ~~designer and the final selection of the consultant.~~designer, consultant or construction manager at risk. All designers and consultants shall be selected within 60 days of the date funds are appropriated for a project by the General Assembly or the date of project authorization by the Director of the Budget; provided, however, the State Building Commission may grant an exception to this requirement upon written request of the funded agency if (i) no site was selected for the project before the funds were appropriated or (ii) funds were appropriated for advance planning only; provided, further, the Director of the Budget, after consultation with the State Construction Office, may waive the 60-day requirement for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects. The Director of the Budget also may, after consultation with the State Construction Office, schedule the availability of design and construction funds for capital improvement projects for the purpose of minimizing project costs through increased competition and improvements in the market availability of qualified contractors to bid on State capital improvement projects.

The State Building Commission shall submit a written report to the Joint Legislative Commission on Governmental Operations on the Commission's selection of a designer for a project within 30 days of selecting the designer.

(2) To adopt rules for coordinating the plan review, approval, and permit process for State capital improvement ~~projects.~~ and community college buildings, as defined in subdivision (4) of this section. The rules shall provide for a specific time frame for plan review and approval and permit issuance by each agency, consistent with applicable laws. The time frames shall be established to provide for expeditious review, approval, and permitting of State capital improvement projects and community college buildings.

(2a) To adopt rules exempting specified types of State capital improvement projects, including community college buildings as defined in subdivision (4) of this section, from plan review.

(3) To adopt rules for establishing a post-occupancy evaluation, annual inspection and preventive maintenance program for all State buildings.

(4) To develop procedures for evaluating the work performed by designers and contractors on State capital improvement projects and those

community college buildings, as defined in G.S. 143-336, requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129, and for use of the evaluations as a factor affecting designer selections and determining qualification of contractors to bid on State capital improvement projects and community college buildings.

(5) To continuously study and recommend ways to improve the effectiveness and efficiency of the State's capital facilities development and management program.

(6) To request designers selected prior to April 14, 1987, whose plans for the projects have not been approved to report to the Commission on their progress on the projects. The Department of Administration shall provide the Commission with a list of all such projects.

(7) To appoint an advisory board, if the Commission deems it necessary, to assist the Commission in its work. No one other than the Commission may appoint an advisory board to assist or advise it in its ~~work; and~~work.

(8) To review the State's provisions for ensuring the safety and health of employees involved with State capital improvement projects, and to recommend to the appropriate agencies and to the General Assembly, after consultation with the Commissioner of Labor, changes in the terms and conditions of construction contracts, State regulations, or State laws that will enhance employee safety and health on these projects.

(9) ~~Effective July 1, 1996, to~~To authorize a State agency, a local governmental unit, or any other entity subject to the provisions of G.S. 143-129 to use a method of contracting not authorized under ~~G.S. 143-128, including the use of the single prime contracting system without soliciting bids under both the single and separate prime contract systems.~~G.S. 143-128. An authorization under this subdivision for an alternative contracting method shall be granted only under the following conditions:

a. An authorization shall apply only to a single project.

b. The entity seeking authorization must demonstrate to the Commission that the alternative contracting method is necessary because the project cannot be reasonably completed under the methods authorized under G.S. 143-128 or for such other reasons as the Commission, pursuant to its rules and criteria, deems appropriate and in the public's interest.

b1. The entity includes in its bid or proposal requirements that the contractor will file a plan for making a good faith effort to reach the minority participation goal set out in G.S. 143-128.2.

c. The authorization must be approved by ~~two-thirds~~a majority of the members of the Commission present and voting.

The Commission shall not waive the requirements of G.S. 143-129 or G.S. 143-132 for public contracts unless otherwise authorized by law.

(10) To adopt rules governing review and final approval of plans that are submitted to the State Construction Office pursuant to G.S. 58-31-40. The rules shall provide for the manner of submission of the plan by the owner, the type of structural work that may be completed by the owner pursuant to G.S. 58-31-40(c), and the expeditious review or completion of review of the plan in a manner that ensures that the building will meet the fire safety requirements of G.S. 58-31-40(b).

(11) To direct the Department in the development of rules for agency evaluation of energy savings contracts pursuant to G.S. 143-64.17F.

(12) To develop dispute resolution procedures, including mediation, for subcontractors under any of the construction methods authorized under G.S. 143-128(a1) on State capital improvement projects, including building projects of The University of North Carolina, and community college buildings as defined in subdivision (4) of this section, for use by any public entity that has not developed its own dispute resolution process.

(13) To adopt rules governing the use of open-end design agreements for State capital improvement projects and community college buildings as defined in subdivision (4) of this section, where the fee does not exceed the amount specified in G.S. 143-64.34(b).

(14) ~~The Commission shall~~ To submit an annual report of its activities to the Governor and the Joint Legislative Commission on Governmental Operations."

SECTION 11.1. G.S. 58-31-40 is amended by adding the following new subsection to read:

"(c) The Commissioner shall review a plan subject to subsection (b) of this section within 30 days of submission, provided that the Commissioner may require one additional 30-day extension if necessary to complete the review. If the Commissioner has neither approved nor denied the plan during the initial 30-day review period, the owner may proceed with the building site preparation, the building foundation, and any structural components of the building that are not subject to inspection for the purposes set forth in subsection (b) of this section. If the Commissioner has neither approved nor denied the plan within 60 days of submission, the owner may request review and final approval under subsection (b) of this section by the Department of Administration, State Construction Office, pursuant to rules adopted under G.S. 143-135.26."

PART III. ENERGY EFFICIENCY IN STATE BUILDINGS

SECTION 12.(a) The title of Part 2 of Article 3B of Chapter 143 of the General Statutes reads as rewritten:

"Part 2. Guaranteed Energy Savings Contracts for ~~Local~~ Governmental Units."

SECTION 12.(b) G.S. 143-64.17 reads as rewritten:

"**§ 143-64.17. Definitions.**

As used in this Part:

(1) "Energy conservation measure" means a facility alteration, training, or services related to the operation of the facility, when the alteration, training, or services provide anticipated energy savings. Energy conservation measure includes any of the following:

a. Insulation of the building structure and systems within the building.

b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.

c. Automatic energy control systems.

d. Heating, ventilating, or air-conditioning system modifications or replacements.

e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable State or local building code or is required by the light system after the proposed modifications are made.

f. Energy recovery systems.

g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

h. Other energy conservation measures.

(2) "Energy savings" means a measured reduction in fuel costs, energy costs, or operating costs created from the implementation of one or more energy conservation measures when compared with an established baseline of previous fuel costs, energy costs, or operating costs developed by the local governmental unit.

(3) "Guaranteed energy savings contract" means a contract for the evaluation, recommendation, or implementation of energy conservation measures, including the design and installation of equipment or the repair or replacement of existing equipment, in which all payments, except obligations on termination of the contract before

its expiration, are to be made over time, and in which energy savings are guaranteed to exceed costs.

(4) ~~"Local governmental~~ "Governmental unit" means an agency, board, or commission of the State or any board or governing body of a political subdivision of the State, including any board of a community college, any school board, or an agency, commission, or authority of a political subdivision of the State.

(5) "Qualified provider" means a person or business experienced in the design, implementation, and installation of energy conservation measures.

(6) "Request for proposals" means a negotiated procurement initiated by a local governmental unit by way of a published notice that includes the following:

a. The name and address of the local governmental unit.

b. The name, address, title, and telephone number of a contact person in the local governmental unit.

c. Notice indicating that the local governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.

d. The date, time, and place where proposals must be received.

e. The evaluation criteria for assessing the proposals.

f. A statement reserving the right of the ~~local~~ governmental unit to reject any or all the proposals.

g. Any other stipulations and clarifications the ~~local~~ governmental unit may require."

SECTION 12.(c) G.S. 143-64.17A reads as rewritten:

"§ 143-64.17A. Solicitation of guaranteed energy savings contracts.

(a) Before entering into a guaranteed energy savings contract, a local governmental unit shall issue a request for proposals. Notice of the request shall be published at least 15 days in advance of the time specified for opening of the proposals in at least one newspaper of general circulation in the geographic area for which the local governmental unit is responsible. No guaranteed energy savings contract shall be awarded by any ~~governing body~~ governmental unit unless at least two proposals have been received from qualified providers. Provided that if after the publication of the notice of the request for proposals, fewer than two proposals have been received from qualified providers, the ~~governing body of the local~~ governmental unit shall again publish notice of the request and if as a result of the second notice, one or more proposals by qualified providers are received, the ~~governing body~~governmental unit may then open the proposals and select a qualified provider even if only one proposal is received.

(b) The ~~local~~ governmental unit shall evaluate a sealed proposal from any qualified provider. Proposals shall contain estimates of all costs of installation,

modification, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and debt service, ~~and~~ estimates of energy savings.

(c) Proposals received pursuant to this section shall be opened by a member or an employee of the ~~governing body of the local~~ governmental unit at a public opening at which the contents of the proposals shall be announced and recorded in the minutes of the ~~governing body.~~governmental unit. Proposals shall be evaluated for the ~~local~~ governmental unit by a licensed architect or engineer on the basis of:

(1) The information required in subsection (b) of this section; and

(2) The criteria stated in the request for proposals.

The ~~local~~ governmental unit may require a qualified provider to include in calculating the cost of a proposal for a guaranteed energy savings contract any reasonable fee payable by the ~~local~~ governmental unit for evaluation of the proposal by a licensed architect or professional engineer not employed as a member of the staff of the ~~local~~ governmental unit or the qualified provider.

(d) The ~~local~~ governmental unit shall select the qualified provider that it determines to best meet the needs of the ~~local~~ governmental unit by evaluating the following:

(1) Prices offered;

(2) Proposed costs of construction, financing, maintenance, and training;

(3) Quality of the products proposed;

(4) Amount of energy savings;

(5) General reputation and performance capabilities of the qualified providers;

(6) Substantial conformity with the specifications and other conditions set forth in the request for proposals;

(7) Time specified in the proposals for the performance of the contract; and

(8) Any other factors the ~~local~~ governmental unit deems necessary, which factors shall be made a matter of record.

(e) Nothing in this section shall limit the authority of local governmental units as set forth in Article 3D of this Chapter."

SECTION 12.(d) G.S. 143-64.17B reads as rewritten:

"**§ 143-64.17B. Guaranteed energy savings contracts.**

(a) A ~~local~~ governmental unit may enter into a guaranteed energy savings contract with a qualified provider if all of the following apply:

(1) The term of the contract does not exceed 12 years from the date of the installation and acceptance by the ~~local~~ governmental unit of the energy conservation measures provided for under the contract.

(2) The ~~local~~ governmental unit finds that the energy savings resulting from the performance of the contract will equal or exceed the total cost of the contract.

(3) The energy conservation measures to be installed under the contract are for an existing building.

(b) Before entering into a guaranteed energy savings contract, the ~~local~~ governmental unit shall provide published notice of the meeting at which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose. The notice must be published at least 15 days before the date of the meeting.

(c) A qualified provider entering into a guaranteed energy savings contract under this Part shall provide a bond to the ~~local~~ governmental unit in the amount equal to one hundred percent (100%) of the total cost of the guaranteed energy savings contract to assure the provider's faithful performance. Any bonds required by this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the General Statutes. If the savings resulting from a guaranteed energy savings contract are not as great as projected under the contract and all required shortfall payments to the ~~local~~ governmental unit have not been made, the ~~local~~ governmental unit may terminate the contract without incurring any additional obligation to the qualified provider.

(d) As used in this section, "total cost" shall include, but not be limited to, costs of construction, costs of financing, and costs of maintenance and training during the term of the contract. "Total cost" does not include any obligations on termination of the contract before its expiration, provided that those obligations are disclosed when the contract is executed.

(e) A guaranteed energy savings contract may not require the ~~local~~ governmental unit to purchase a maintenance contract or other maintenance agreement from the qualified provider who installs energy conservation measures under the contract if the ~~local~~ unit of government takes appropriate action to budget for its own forces or another provider to maintain new systems installed and existing systems affected by the guaranteed energy savings contract."

SECTION 12.(e) G.S. 143-64.17D reads as rewritten:

"**§ 143-64.17D. Contract continuance.**

A guaranteed energy savings contract may extend beyond the fiscal year in which it becomes effective. Such a contract shall stipulate that it does not constitute a debt, liability, or obligation of any local governmental unit or a pledge of the faith and credit of any ~~unit of local government.~~governmental unit."

SECTION 12.(f) Part 2 of Article 3B of Chapter 143 of the General Statutes is amended by adding the following new section to read:

"**§ 143-64.17F. State agencies to use contracts when feasible.**

State governmental units, including State universities, shall evaluate the use of guaranteed energy savings contracts in reducing energy costs and may use those contracts when feasible and practical. The Department of Administration, under the direction of the State Building Commission, shall develop rules for agency evaluation of guaranteed energy savings contracts."

SECTION 12.(g) The Department of Administration shall develop a plan for establishing and implementing an energy efficiency goal for all State buildings. The

Department shall report the plan to the General Assembly no later than December 31, 2002, by filing copies with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, the legislative Fiscal Research Division, and the Legislative Library.

SECTION 13. Nothing in this act limits the use of any method of contracting authorized by local law or other applicable laws.

PART IV. LANDSCAPE ARCHITECTURE LAW CHANGES

SECTION 13.1(a). G.S. 89A-1(3) reads as rewritten:

"(3) Landscape architecture or the practice of landscape architecture. – The performance of services in connection with the development of land areas where, and to the extent that the dominant purpose of the services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings, approaches or environment for structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to the erosion, wear and tear, blight or other hazards. This practice shall include the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements set forth in this subsection used ~~thereon~~ in connection with the land for public and private use and enjoyment, embracing the following, all ~~drainage, soil conservation, grading and planting plans and erosion control,~~ in accordance with the accepted professional standards of public health, safety and ~~welfare.~~welfare:

(a) The location and orientation of buildings and other similar site elements.

(b) The location, routing and design of public and private streets, residential and commercial subdivision roads, or roads in and providing access to private or public developments. This does not include the preparation of construction plans for proposed roads classified as major thoroughfares or a higher classification.

(c) The location, routing and design of private and public pathways and other travelways.

(d) The preparation of planting plans.

(e) The design of surface or incidental subsurface drainage systems, soil conservation and erosion control measures necessary to an overall landscape plan and site design."

SECTION 13.1(b). The State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects shall agree to a Memorandum of Understanding that identifies areas of overlap or common practice regarding the scope of their

respective professions and means for resolving disputes concerning standards of practice, qualifications, and jurisdiction regarding the identified areas of overlap. The parties shall send a joint written report to the General Assembly no later than April 30, 2002, concerning the Memorandum of Understanding and whether the changes in Section 13.1(a) of this act should be repealed or modified, and the General Assembly may consider and take action on the report during its session in 2002 or at any other time as it may consider appropriate.

SECTION 13.1(c). The Legislative Research Commission is authorized to study the relationship between the professions of engineering and landscape architecture.

This study shall include an examination of:

(1) The qualifications and education of landscape architects.

(2) The definition of landscape architecture in G.S. 89A-1(3), as amended by Subsection 13.1(a) of this act, and whether the changes made in Subsection 13.1(a) of this act should be repealed or modified.

(3) The areas of overlap or common practice regarding the scope of the professions of engineering and landscape architecture.

(4) The governance and procedures of the State Board of Examiners for Engineers and Surveyors and the Board of Landscape Architects in their respective roles in protecting the public health, safety and welfare of the people of the State.

In considering appointees to the committee to study this matter, the appointing authorities shall consider inclusion of representatives of the following groups:

(1) The State Board of Landscape Architects.

(2) The State Board of Examiners for Engineers and Surveyors.

(3) The Consulting Engineers Council of North Carolina.

(4) The North Carolina Chapter of the American Society of Landscape Architects.

(5) The Professional Engineers of North Carolina, Inc.

(6) The North Carolina League of Landscape Architects.

(7) The academic community involved in instruction in the area of engineering and landscape architecture.

The Legislative Research Commission may make an interim report to the 2001 General Assembly, Regular Session 2002, and shall make a final report to the 2003 General Assembly upon its convening. The reports may include proposed legislation to carry out the recommendations of the study.

SECTION 13.1.(d) This section is effective when this act becomes law.

PART V. MISCELLANEOUS PROVISIONS

SECTION 14. Annually, on or before April 1st, beginning April 1, 2003, The University of North Carolina and all other public entities shall report to the Secretary of the Department of Administration on the effectiveness and cost-benefit of

utilization of each of the construction methods authorized in G.S. 143-128(a1) that are used by the public entity. The reports, which shall be initially filed in the year in which the project is completed, shall be in the format and contain the data prescribed by the Secretary of Administration and shall include at least the following:

(1) The total dollar value of building projects by specific project with costs.

(2) The bid costs and relevant post-bid costs.

The Secretary of the Department of Administration shall report to the General Assembly on or before May 1st each year on the information collected pursuant to this section.

SECTION 14.1. The provisions of this act are severable. In the event that any provision of this act shall be declared invalid, that invalidity shall not affect the remaining provisions of this act.

PART VI. EFFECTIVE DATE

SECTION 15.(a) Sections 8(a) through 8(e) of this act become effective July 1, 2001. Section 11.1 of this act becomes effective March 1, 2002. The remaining sections of Parts I and II of this act become effective January 1, 2002 and apply to construction projects for which bids or proposals are solicited on or after that date. The remainder of this act is effective when it becomes law. Sections 8(a) through 8(e) of this act expire December 31, 2006.

SECTION 15.(b) The State Building Commission shall adopt temporary rules to implement G.S. 143-135.26(10) and G.S. 143-135.26(12) as enacted by Section 11 of this act no later than sixty days following the effective date of Section 11 of this act. The Secretary of Administration shall adopt rules to implement G.S. 143-128.2(f) as enacted by Section 3.1 of this act no later than June 30, 2002. Prior to July 1, 2002, a bidder must show compliance with at least five of the ten efforts as set forth in G.S. 143-128.2(f) as enacted by Section 3.1 of this act.

SECTION 15.(c) A city, county, or other public entity, other than the State, may apply verifiable percentage goals enacted prior to the effective date of Section 3.1 of this act to building projects undertaken on or after the effective date of Section 3.1 of this act.

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

November 27, 2001

The Committee on Rules, Calendar and Operations of the House met on November 27, 2001 at 1:00 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Buchanan, Crawford, Culp, Fitch, Gibson, Gulley, Hill, Jarrell, Luebke, McComas, McCombs, McMahan, Michaux, Morgan, Rogers and Yongue. Also present were ex officio members Representatives Baddour, Cunningham, Dedmon and Earle.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 914 – AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS. A proposed House committee substitute was offered changing the title to AN ACT TO PROVIDE FOR CONSTRUCTION FLEXIBILITY FOR PUBLIC ENTITIES BY ALLOWING THE USE, WITHOUT LIMITATION, OF SEPARATE-PRIME CONTRACTING, SINGLE-PRIME CONTRACTING, DUAL BIDDING, CONSTRUCTION MANAGER AT RISK AND ALTERNATIVE CONTRACTING METHODS AUTHORIZED BY THE STATE BUILDING COMMISSION; TO ENHANCE AND IMPROVE GOOD FAITH EFFORTS TO RECRUIT AND SELECT MINORITY BUSINESSES FOR PARTICIPATION IN PUBLIC CONSTRUCTION CONTRACTS; TO INCREASE THE MANDATORY PERFORMANCE AND PAYMENT BOND THRESHOLD FOR PUBLIC CONSTRUCTION PROJECTS; TO PROVIDE FOR CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR PROJECTS UP TO TWO MILLION DOLLARS FOR THE UNIVERSITY OF NORTH CAROLINA UNTIL DECEMBER 31, 2006; TO PROVIDE FOR EFFICIENCIES IN THE PLAN REVIEW PROCESS FOR PUBLIC BUILDING; TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS; AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE. The chairman reminded the committee that it had previously discussed House Bill 632 on September 12, 2001. It was originally a one-page bill sponsored by Rep. McMahan. It passed the House and when it was returned from the Senate it was a comprehensive rewrite of a portion of the State's contracting laws, consisting of over 20 pages. The committee discussed the Senate committee substitute on the issue of concurrence but no vote was taken at that meeting due to concerns expressed by several members of the committee. It was then decided that Senate Bill 914 would be used to incorporate the provisions of the original House Bill 623. The chairman stated that several groups had worked on this bill between the last meeting and this meeting.

Rep. Buchanan moved that the proposed House committee be adopted for the purpose of discussion. Without objection, it was so ordered. Representative McMahan, was recognized to speak on the proposed House committee substitute. Using a summary

(a copy of which is attached and made a part of these minutes) he then presented an overview of Senate Bill 914. Walter Reagan, staff attorney was recognized and explained in further detail the various sections of the bill.

The chairman stated that he would recognize those who had worked on the bill. Speaking in favor of the bill were Senator Leslie Winner representing the University of North Carolina System; Leanne Winner, the North Carolina School Boards Association; Suzanne Williams, North Carolina Community College System; Linwood Jones, North Carolina Hospital Association; Ron Aycock, North Carolina Association of County Commissioners; Ellis Hankins, North Carolina League of Municipalities; Dave Simpson, Carolinas Associated General Contractors; Dave Crawford, American Institute of Architects; Paul Wilms, North Carolina Homebuilders Association; and Larry Ragland, North Carolina Chapter of the American Society of Landscape Architects.

Speaking in opposition to the bill were: Henry Jones, North Carolina Association of Plumbing, Heating, Cooling Contractors; and Paul Goodson, Professional Engineers of North Carolina.

Bill Scoggin, American Insurance Association, had no position on most of the bill but was concerned about the increase in the surety bond threshold.

Jack Cozort, Consulting Engineers Council of North Carolina, did not oppose the bill.

Andrea Harris, Minority Economic and Development Institute, was concerned about the minority participation language in the bill but generally supported it.

Kenneth Johnson, Association of Minority Contractors, was of the opinion that the bill should be given more study.

Representative Cunningham spoke in favor of the proposed House committee substitute.

Representative Buchanan moved that the proposed House committee substitute be given a favorable report, unfavorable to the Senate committee substitute. Representative McComas asked Mr. Ron Aycock and Mr. Ellis Hankins if they had any opposition to the section of the bill concerning landscape architects, and they replied that they did not. Representative Jarrell said that she had reservations about the bill and Representative Allen requested that a vote not be taken. Representative Allred agreed. A roll call vote was taken, and the motion carried 12 to 10. Not voting were the chairman and Representative Fitch.

There being no further business, the meeting adjourned at 2:45 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

SENATE BILL 914:
Public Construction Law Changes

BILL ANALYSIS

Committee:	Rules, Calendar and Operation of the House	**Introduced by:**	Senator Dalton
Date:	November 27, 2001	**Summary by:**	O. Walker Reagan and Dianna Jessup
Version:	PCS S914-CSRU-96		Research Division

SUMMARY: The House Committee Substitute for Senate Bill 914 would make changes in the public construction laws to permit greater flexibility and efficiencies in public building design, construction and plan review, primarily through the concept of construction managers at risk, would increase the mandatory performance and payment bond threshold for public construction projects, and would make changes intended to enhance and improve good faith efforts to recruit and select minority businesses for participation in public construction contracts. The bill would also change the law to provide for construction and design supervisory authority for projects up to $2 million for the University of North Carolina until December 31, 2006, promote greater energy efficiency in State buildings and make clarifying changes to the scope of practice for landscape architecture.

BILL ANALYSIS: The proposed committee substitute makes the following changes to current law:

Construction Flexibility for Public Entities (Part I, Sections 1, 2, 3, 5)

The PCS would permit public entities to utilize the services of a construction manager as an alternative construction method. The construction manager, a licensed general contractor, would contract directly with the public entity. The construction manager generally would not perform work on the project, but would provide services to the public entity in preparing and coordinating bid packages, scheduling, controlling costs, value engineering, evaluation, pre-construction services, and administering the construction of the project. The construction manager would guarantee the cost of the project and would be required to provide a performance and payment bond to the public entity.

Contracts by a public entity with a construction management would be excepted from the provisions of Article 8 of Chapter 143 (Procedure for Letting of Public Contracts).

The PCS would also make various construction bidding methods available to all levels of government, not just local school administrative units, including the State, counties, cities and other public bodies. These construction-bidding methods would include separate-prime, single-prime, dual bidding, construction management services, and alternative contracting methods. The PCS would raise the size of the contracts covered by the formal bid requirements from $100,000 to $300,000.

These changes would become effective January 1, 2002 and apply to construction projects for which bids or proposals are solicited on or after that date.

Dispute Resolution in Public Construction Contracts (Part I, Section 3; Part II, Section 11)

The PCS would require the State Building Commission to develop dispute resolution procedures, including mediation, for subcontractors on State capital improvement projects (Part II, Section 11, G.S. 143-135.26(12)). For all construction and repair projects, public entities would be required to use the Commission's dispute resolution process or adopt another dispute resolution process, and would have to make this process available to all the parties involved in the public entity's construction project. The public entity could set a reasonable threshold, not to exceed $15,000, concerning the amount in

controversy that must be at issue before a party may require other parties to participate in the dispute resolution process. The public entity would determine how the costs of the dispute resolution process would be divided, but at least one-third of the cost would be paid by the public entity. Finally, the public entity could require by contract that a party participate in mediation as a precondition to initiating litigation concerning a dispute. (Part I, Section 3, G.S. 143-128(g)). These changes would become effective January 1, 2002.

Minority Participation in Public Construction Contracts (Part I, Sections 1, 3.1, 3.6, and 5.1)

Current law requires the State to have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each building project, and requires cities, counties, and other public bodies to set verifiable percentage goals for minority participation in building projects.

The PCS is intended to enhance and improve minority business participation in public construction contracts by providing for the following:

- In addition to original construction, minority business participation goals (which would remain at 10%) would apply to repair work and work done by a private entity on a facility to be leased or purchased by the State. (The minority participation goals would apply only to projects costing $300,000 or more). On State projects, the Secretary of the Department of Administration would identify the appropriate percentage goal for each category of minority business as defined in statute based on the particular contract type.
- Local governmental units or other public or private entities that receive State funds for construction work for projects costing more than $100,000 (including project work done by a private entity on a facility to be leased or purchased by a local government unit) shall be subject to the 10% goal. However, local governments would be permitted to apply for a different verifiable goal that was adopted prior to December 1, 2001 if the local government had and continues to have a sufficiently strong basis in evidence to justify the use of that goal.
- Each entity required to have a verifiable percentage goal would have to make a "good faith effort" to recruit minority participation. Public entities would have to establish the good faith efforts that it will take prior to soliciting bids on a project, and shall require its contractors to made good faith efforts. First tier subcontractors would likewise have to comply with the requirements applicable to contractors as to good faith efforts, and good faith efforts would apply to the selection of a substitute subcontractor.
- All bidders on any construction or repair project would have to identify good faith efforts made to ensure minority business participation, documented as prescribed by statute.
- Before awarding a contract, a public entity would be required to develop and implement a minority business participation outreach plan, attend the scheduled pre-bid conference, notify minority businesses of potential contracting opportunities, and utilize other media likely to inform potential minority businesses of the bid.
- Public entities would have to require bidders to undertake good faith efforts, which would include 1) contacting minority businesses, 2) making the construction plans available for review by prospective minority businesses, 3) breaking down or combining elements of work into economically feasible units to facilitate minority participation, 4) working with minority trade, community or contractor organizations, 5) attending any pre-bid meetings, 6) providing assistance in getting required bonding or insurance or providing alternative to bonding, 7) negotiating in

good faith with interested minority businesses, 8) providing assistance to an otherwise qualified minority business in need of equipment or funds to secure financial assistance or supplies, 9) negotiating joint venture and partnership arrangements with minority businesses, and 10) providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands. No later than June 30, 2002, the Secretary would be required to adopt rules establishing points to be awarded for taking each effort and the minimum number of points required. Prior to July 1, 2002 (when the rules will be in place), a bidder must show compliance with at least five of these ten efforts.

- The term "minority business" would be expanded to include businesses owned by socially and economically disadvantaged individuals (as defined by federal law governing federal procurement contracts).
- Public entities would have to report to the Office of Historically Underutilized Business information concerning minority business utilization. Public entities that fail to comply with this requirement would be required to develop a corrective plan. Failure to file a corrective plan or to implement the plan could result in the loss of authority to enter into construction or repair contracts without prior review by the Department of Administration.
- An advisory board would be appointed by the Secretary of the Department of Administration to develop recommendations to improve the recruitment and utilization of minority businesses. These recommendations would be presented to the General Assembly, the State Construction Office, the University of North Carolina, and the community college system.
- For construction or repair work subject to the informal bidding process, public entities would be required to solicit minority business participation, maintain a record of contractors solicited and document efforts to recruit minority business participation, and report information and provide documentation concerning efforts to recruit minority business participation to the Office for Historically Underutilized Business upon the completion of the project.

These changes would become effective January 1, 2002 and apply to construction projects for which bids or proposals are solicited on or after that date.

Construction And Design Administration (Part II, Sections 11, 11.1)

The PCS would make changes to the powers and duties of the State Building Commission, including exemption from plan review for certain projects, expeditious plan review, agency evaluation of energy contracts, open-end design agreements, and dispute resolution procedures. The PCS would change the vote by which an alternative contracting method may be approved from 2/3 to a majority. These changes would become effective January 1, 2002. The PCS would, beginning March 1, 2002, provide an alternative to begin construction if fire safety reviews of public building specifications are not completed by the Insurance Department within 60 days.

Energy Efficiency in State Buildings (Part III, Sections 12(a)-(g) and 13)

The PCS would changes the Guaranteed Energy Savings Contract law to make to applicable to State agencies in addition to local governments as is currently allowed. These changes would become effective when the act becomes law.

Changes in Landscape Architecture Law (Part IV, Sections 13.1(a)-(d))

The PCS would amend the Landscape Architecture statutes to clarify what construction design matters may be performed by landscape architects. This change is to clarify a conflicting overlap of responsibilities with licensed engineers. The PCS would also require engineers and landscape architects to enter into an Memorandum of Understanding regarding their respective responsibilities and authorize an LRC study on the subject. These provisions would become effective when the act becomes law.

Miscellaneous

Section 4 would raise the limit for public bidding from $100,000 to $300,000 for construction projects and from $50,000 to $90,000 for purchases of apparatus, supplies, materials, or equipment. **Section 4.1** would repeal a local act for Greensboro that had allowed Greensboro a $70,000 limit for purchases of materials and equipment (less than the proposed limit). **Section 5.2** would add language to G.S. 143-135.5 that would make it the State's policy not to accept bids or proposals from or engage in business with firms that discriminates on the basis or race, gender, religion, national origin, age, physical disability, or any other form of unlawful discrimination in its solicitation, selection, hiring or treatment of another business. **Section 6** would raises the level of contracts for which architectural plans are required for public projects by varying amounts depending on the type of work being done.

Section 7 would raise the threshold for which performance and payment bonds are required on government projects from $100,000 to $300,000. This change is consistent with the changes being made in the competitive bidding laws in elsewhere in the bill.

Sections 8(a) through (e) restores The University of North Carolina's exemption from State Construction Office oversight and raises the cap for the exemption from $500,000 to $2 million, and continues other construction law exceptions applicable to UNC construction that had expired July 1, 2001. This change would become effective July 1, 2001 and would expire December 31, 2006.

All of Section 10 involves local provisions involving construction law exceptions. **Sections 10.(a) and (b)** would remove the sunset on Johnston County School Board to use the Unitary System Approach model school plan. **Section 10.(c)** would repeal the sunset on the Charlotte-Mecklenburg School Board's authority to use design-built construction for school projects. **Section 10.(d)** would authorize the use of force account by the New Hanover Regional Medical Center.

Section 14 would require the University of North Carolina and all other public entities to report annually to the Department of Administration (beginning April 1, 2003) on the effectiveness and cost-benefit of utilization of each of the authorized construction methods used by the public entity.

Except for Sections 8(a) through (e), the above miscellaneous provisions would become effective when the act becomes law.

Note: Sections 3.2, 3.3, 3.4, 3.5, and 9 contain conforming changes.

ROLL CALL VOTE

12 YES 10 NO = 22 (TOTAL) 11/27/01

HB# ____
SB# 914

HOUSE STANDING COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
		Culpepper		✓	Jarrell
✓		Hackney			Justus
	✓	Allen		✓	Luebke
	✓	Allred		✓	McComas
	✓	Barefoot		✓	McCombs
		Barnhart	✓		McMahan
		Boyd-McIntyre		✓	Michaux
✓		Buchanan	✓		Morgan
	✓	Crawford	✓		Rogers
✓		Culp			Setzer
		Fitch			Sherrill
✓		Gibson			Thompson
✓		Gulley	✓		Yongue
✓		Hill			
			Ex officio Members		
					Speaker Pro Tem
			✓		Majority Leader
				✓	Majority Whip (Dedmon - no) Cunningham
			✓		

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **CULPEPPER** , Chair, for the Committee on **RULES, CALENDAR, AND OPERATIONS OF THE HOUSE**.

X Committee Substitute for
S.B. 914 A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

X With a favorable report as to House committee substitute bill, **X** which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Nov. 27, 2001

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Mary Beaver	Capitol Group
Chrissy Porter	Bone Associates
R. Paul Wilms	NCHFA
Michael Houser	Insider
Lori Ann Harris	~~LAH~~ Assoc
Henry Liles	HNTB
Sam Ravenel	Withers + Ravenel
Ralph Troutman	Withers & Ravenel
Bill Jenkins	Earth Tech
Tommy Hamilton	City of Indy
J. D. Solomon	~~Hoke~~ Group
Andrew Ritter	NC Board of Examiners for PE + PLS
Paul Goodson	Professional Engineers of NC
Tim Keeney	~~Vermont~~ Agency
Carson Bethea	Landscape Service
Ralph Tindal	C.A.M.C.
Gilbert Todd Jr.	C.A.M.C.
Andrea Harris	NCNEP
Andy Romanet	NCLM
Kevin MacNaughton	UNC
JAMES W. RAYFORD	CAROLINAS ASSOCIATED MINORITY CONTRS (CAMC)
EDWARD F. RAYFORD	C.A.M.C. " " " "
Archie Rockingham	CAMC " " " "
Gilbert Todd Jr.	C.A.M.C.
ARRINGTON T. PULLEY	C.A.M.C.
David Edwards	NCDPI
Cameron Lee	DOT
Stephanie Mann	NCAR

VISITOR REGISTRATION SHEET

RULES — 11/27/01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
SHARON STRAND	State Energy Office
RICK A. WHITAKER	BROWN BROTHERS P+H G INC - NCAPHCC
JIM DRISCOLL	T.R. DRISCOLL, INC NCAPHCC
Ralph Rea	Rea Bros. INC. NCAPHCC
ALICE MURPHY	CAM FUN IND
John T. Goode	CAM FUN IND
Mark Flemin	NC State University
Hal Miller	NCACCT
BRIAN STARKEY	OBS LANDSCAPE ARCHITECTS.
DAVID BARNES	Poyner Spruill LLP
GWYNN T. SWINSON	Dept. of Administration
Carlton Myrick	Dept of Adm
Martha Glass	DOA
David Siegel	Rep. Luebke / UNC-Ch
LARRY TILLEY	ACME Plmb & Htg / DURHAM NC
Shay Beaman	Central Heating A.C. Kinston, N.C.
Doug Kilian	Central HTG + A/C.
	PENC
	PENC
	State Const. Office
Ron Hinson	Hinson Elec.
Michelle Frazier	NC Bar Assoc.

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
NOVEMBER 28, 2001
1:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 1038 – PUBLIC RIGHT-OF-WAY DECLARATION

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

November 28, 2001

The Committee on Rules, Calendar and Operations of the House met on November 28, 2001 at 1:00 p.m. in Room 421 of the Legislative office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Barefoot, Buchanan, Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, McCombs, Rogers, Setzer and Yongue.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 1038 – AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE. The chairman announced that without objection a House committee substitute changing the title to AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT was before the committee for purposes of discussion and that he would handle the bill in the absence of the bill sponsor, Senator Hoyle. Giles Perry, staff attorney, explained the House committee substitute in accordance with the bill summary and analysis attached hereto and made a part of these minutes. Mr. Perry stated that although the Department of Transportation has the authority to condemn land for secondary road paving it has been its policy to ask property owners adjacent to secondary roads that are proposed to be paved to donate an easement. Section 2 of the House committee substitute changes this procedure by requiring the Department of Transportation to initiate condemnation proceedings after attempting for six months to negotiate acquisition of the right-of-way and if 75% or more of the property owners adjacent to the project have agreed to donate the right of way and pay $2500 to cover the costs of condemnation. This is intended to speed up the process of paving those roads. Following discussion, Representative Hackney sent forth an amendment, the original of which is attached hereto. Ruth Sappie, the Department of Transportation Legislative Liaison, and Jim West, State Right-of-Way Negotiator, supported the proposed House committee substitute. There was objection to the amendment and after a lengthy discussion, Representative Hackney withdrew the amendment. He offered a second amendment, the original of which is attached hereto, and moved for its adoption. The motion carried. Representative Buchanan then made a motion that the amendment be incorporated into a

second proposed House committee substitute, that it be given a favorable report, unfavorable as to the Senate committee substitution. The motion passed.

There being no further business, the meeting adjourned at 1:45 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker, Committee Assistant

VISITOR REGISTRATION SHEET

Rules
Name of Committee

11/28/01
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ellis Ross	NC DOT / st. Wilmington st. Raleigh
W. Richard Moore	N.C DOT (Atty Gen).
Tim West	NCDOT (Right of Way)
Ruth Sappie	NCDOT
DAVID BARNES	Poyner + Spruill LLP
Margaret Westbrook	Kennedy Covington
Greg McLeod	CCPS
Sharon Matthews	DOT-DMV
Joey Gardner	DMV Enf.
John Phelps	NCLM
Jane Royall	NC Family Policy Council
Jada Mottley	Gov Office
Butch Gunnells	NCSDA
Carolyn Hawthorne	UNC Chapel Hill
T. Rogers	DKNR
Stephen Mac	NCHR
Mark Jensen	Capitol Group
Don Beason	" / /
Alice Garland	Electricities
Trish Jones	NCASA
Bill Brooks	NCFPC
Ken McHone	Alley Associates, Inc.
John Goodman	Meacon & Assoc.
Tim Minor	NC Home Builders Assn
Eddie Caldwell	Hofler Caldwell & Fennell, PA

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 1038
Finance Committee Substitute Adopted 4/25/01

Short Title: Public Right-of-Way Declaration. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 4 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"**§ 1-44.3. Dedication of public right-of-way.**

Whenever a deed recites the existence of a street, based on a plat that was unrecorded and where there was no ordinance requiring the plat to be recorded, and the plat has been lost, but a copy of the portion of the plat has been found showing that there is a right-of-way, and where the road has in fact been open to the public, and the owners of two-thirds of the lots abutting the section of road in question are petitioners in a special proceeding requesting that the right-of-way be declared to have been dedicated as a public road right-of-way, the clerk of superior court may issue an order declaring the section of right-of way to be dedicated to public use upon finding those facts."

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 1038

Finance Committee Substitute Adopted 4/25/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S1038-CSSW-71 [v.7]

11/28/2001 11:48:06 AM

Short Title: Public Right-of-Way Declaration. (Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LANDOWNERS TO INITIATE A SPECIAL PROCEEDING TO CLARIFY THE EXISTENCE OF A RIGHT-OF-WAY OPEN TO THE PUBLIC ADJACENT TO THEIR PROPERTY WHEN THE PUBLIC RECORDS ARE UNCLEAR CONCERNING THE ACTUAL EXISTENCE OF THE RIGHT-OF-WAY AND TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD PAVING OR MAINTENANCE PROJECTS WHEN SEVENTY-FIVE PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT OF-WAY FOR THE PROJECT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 136 of the General Statutes is amended by adding a new section to read:

"**§ 136-96.1. Special proceeding to declare a right-of-way dedicated to public use.**

(a) A special proceeding under Article 3, Chapter 1 of the General Statutes may be brought to declare a right-of-way dedicated to public use if:

(1) The landowners of the lots constituting two-thirds of the land abutting the right-of-way in question join in the action;

(2) The right-of-way is depicted on an unrecorded map, plat, or survey;

(3) The right-of-way has been actually open and used by the public; and

(4) At least one recorded deed recites the existence of the right-of-way.

(b) In a special proceeding brought pursuant to this section, the clerk of court shall issue an order declaring the right-of way to be dedicated to public use upon finding that the provisions of subsection (a) of this section have been proven.

(c) Any right-of-way found to be dedicated to public use pursuant to this section that is proposed for addition to the State highway system shall meet the requirements of G.S. 136-102.6."

SECTION 2. G.S. 136-44.7 is amended by adding a new subsection to read:

"(c) When it is necessary for the Department of Transportation to acquire a right-of-way in order to pave a secondary road or undertake a maintenance project, the Department shall negotiate the acquisition of the right-of-way for a period of up to six months. At the end of that period, if one or more property owners have not dedicated the necessary right-of-way and at least seventy-five percent (75%) of the property owners adjacent to the project have dedicated the necessary property for the right-of-way and have provided funds required by Department rule to the Department to cover the costs of condemning the remaining property, the Department shall initiate condemnation proceedings pursuant to Article 9 of this Chapter to acquire the remaining property necessary for the project."

SECTION 3. This act is effective when it becomes law.

SENATE BILL 1038:
ROW Declaration/Sec. Road Paving

BILL ANALYSIS

Committee:	House Rules Committee	**Introduced by:**	Senator Hoyle
Date:	November 28, 2001	**Summary by:**	Giles S. Perry
Version:	PCS S1038-CSSW-71		Committee Counsel

SUMMARY: ***Senate Bill 1038 makes two changes to current law:***

1. Authorizes private landowners to initiate a special proceeding to clarify the existence of a right-of-way open to the public adjacent to their property when the public records are unclear concerning the actual existence of the right-of-way, in limited circumstances; and

2. Authorizes DOT to condemn right-of way needed for a secondary road paving or maintenance project if 75% or more of the property owners adjacent to the project have provided the necessary right-of-way and provided funds required by Department rule to cover the condemnation costs.

BILL ANALYSIS:

Section 1 of Senate Bill 1038 amends Chapter 136 of the General Statutes to add a new section authorizing private landowners to initiate a special proceeding to establish the existence to a right-of-way open to the public in the following limited circumstances:

- the owners of 2/3 of the lots abutting the right-of-way join in the action.
- the right-of-way is depicted on an unrecorded map. plat, or survey;
- the right-of- way has since been open for public use; and
- at least one deed recites the existence of the right-of-way.

If all these requirements are proven, the clerk of superior court would be required to issue an order declaring the right-of-way dedicated to public use.

In addition, this section provides that if the Clerk of Court finds the right-of-way was dedicated to public use, and DOT is subsequently asked to add the road to the State road system for maintenance, the road must first be improved to meet the State minimum standards in accordance with G.S. 136-102.6.

Section 2 of the bill specifically directs DOT to condemn right-of way needed for a secondary road paving or maintenance project if the Department has attempted to negotiate the acquisition for up to six months, 75% or more of the property owners adjacent to the project have provided the necessary right-of-way, and the adjacent property owners have provided funds required by DOT rule to cover the condemnation costs.

Under current DOT rules, the Department usually does not condemn land for secondary road paving and maintenance projects. According to DOT, there is no recorded DOT-owned easement for many State-maintained unpaved secondary roads. Although under current law DOT is authorized to condemn property for secondary roads, DOT's policy is to request donation of an easement before paving a State-maintained road. On many secondary road projects, DOT reports that most adjacent landowners agree to donate the needed right-of-way. With some proposed paving projects, however, there are landowners who refuse to donate the needed right-of-way. DOT's policy in such cases has been to (1) ask adjacent landowners to provide $2500 to cover condemnation costs for that parcel, or (2) not pave the road, or (3) only pave the portion of the road for which DOT obtained a right-of-way.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 11/28/01

S. B. No. 1038 Amendment No. 1
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE ✓

(Rep.) Hackney
Sen.)

1 moves to amend the bill on page 2, line 8

2 ( ) WHICH CHANGES THE TITLE

3 by deleting "shall" and substituting "may".

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SIGNED Hackney

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE 11/28/01

S. B. No. 1038 Amendment No. 2

COMMITTEE SUBSTITUTE ✓ (to be filled in by Principal Clerk)

~~Rep.~~)
Sen.) _____

1 moves to amend the bill on page 2, line 6
2 ( ) WHICH CHANGES THE TITLE
3 by inserting after the word "project" the phrase
4 "and the owners of seventy-five percent (75%) of the
5 road frontage"
6 adjacent to the project.
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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 1038 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

AGENDA
COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
December 4, 2001
5:00 P.M.

CALL TO ORDER

CONSIDERATIONS OF BILLS

HB 623 – Public Construction Law Changes

ADJOURNMENT

MINUTES OF THE MEETING ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

December 4, 2001

A meeting of the Committee on Rules, Calendar and Operations of the House met on December 4, 2001 at 6:00 p.m. in the House Members Conference Room. The following members were present: The following members were present: Representatives Culpepper, Chairman; Boyd-McIntyre, McMahan, Morgan, Rogers, Setzer and Yongue.

The following bill was discussed:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 623 - AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE. The bill was before the committee for concurrence. The chairman stated that the committee had previously adopted a House committee substitute for Senate Bill 914 which contained subject matter also contained in Senate committee substitute for House Bill 623. He then asked the committee to recommend that the House do not concur with Senate committee substitute for House Bill 623. Representative McMahan so moved, and the motion carried.

There being no further business, the meeting adjourned at 6:05 p.m.

Representative Bill Culpepper, Chairman

Anne Cole, Acting Committee Assistant

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative **Culpepper,** Chair for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☒ Senate Committee Substitute for
H.B. 623 A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS GOVERNING THE PUBLIC CONSTRUCTION LAWS TO PROVIDE FOR EFFICIENCIES AND FLEXIBILITY IN BUILDING DESIGN, CONSTRUCTION, AND PLAN REVIEW, TO PROMOTE ENERGY EFFICIENCY IN STATE-OWNED BUILDINGS, AND TO AMEND THE LAW GOVERNING LANDSCAPE ARCHITECTURE.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☒ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

AGENDA
COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
December 5, 2001
6:35 P.M.

CALL TO ORDER

CONSIDERATIONS OF BILLS

SB 603 – Durham Charter Cleanup
HB 1144 –Revise BOG Election Procedure
SB 571 –President Pro-Tem Appointments

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

December 5, 2001

The Committee on Rules, Calendar and Operations of the House met on December 5, 2001 at 6:35 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Barefoot, Boyd-McIntyre, Buchanan, Fitch, Gibson, Gulley, Hill, Justus, Luebke, McComas, McMahan, Morgan, Setzer, Sherrill, Yongue, and, Cunningham, member at large.

The following bills were considered:

SENATE BILL 603 – AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM. A proposed House committee substitute changing the title to AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED AND TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN was offered. Representative McCombs moved for adoption of the proposed House committee substitute for purposes of discussion. Without objection, the chairman so ordered. The chairman stated that this proposed committee substitute takes care of two local issues as stated in the title of the proposed committee substitute. Sections 1 and 2 of the proposed committee substitute were explained by Representative Wright. Section 3 was explained by Representative Miner. Representative Hackney sent forth an amendment and moved for its adoption, which motion carried. Representative Buchanan moved that the amendment be incorporated into a new House committee substitute, that the new House committee substitute be given a favorable report, unfavorable to the original bill. The motion carried.

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL 1144 – AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS. The chairman explained that Sections 1 and 2 were in the original House bill that passed the House on April 25, 2002. A lawsuit is pending regarding the method used to elect members on the Board of Governors by having designated slots for women and the minority race and other members of political parties in the minority. It is his understanding that the Attorney General has reached the opinion that the lawsuit is not defensible and that it is going to be won. The bill went over to the Senate and the Senate added Section 3 which creates a UNC Board of Governors study commission, and it came back to the House on the issue of concurrence with the Senate committee substitute. That particular provision of the bill has been deemed to be very controversial and that is why the bill was sent to the Rules Committee where it has been since it was received on Oct. 8. The issue has since been resolved and there will be language in the study bill

agreed to by the House and Senate. He added that the bill needs to be taken to conference, and Section 3 removed so that the remainder of the bill can pass in the form of a conference report. Representative Hackney moved that the committee recommend that the House do not concur with the Senate committee substitute. The motion carried.

COMMITTEE SUBSTITUTE FOR SENATE BILL 571 – AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS. 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 AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO THE BOARDS AND COMMISSIONS was offered. Representative Yongue moved for adoption of the proposed House committee substitute for purposes of discussion, and, without objection, the chairman so ordered. The chairman explained the proposed committee substitute. Representative Michaux sent forth an amendment and moved for its adoption. Discussion followed after which the motion passed. Representative Yongue sent forth an amendment and moved for its adoption, which motion passed. Representative Hackney moved that the amendments be incorporated into a new House committee substitute, that the new committee substitute be given a favorable, unfavorable to the Senate committee substitute. The motion carried.

Representative Gibson asked for the committee to reconsider the vote by which the House committee substitute on Senate Bill 603 was given a favorable report, unfavorable to the original bill. The motion passed. Representative Gibson was recognized to explain the amendment. Representative Gulley moved for adoption of the amendment, and the motion carried. Representative Buchanan amended his motion to incorporate both amendments that were adopted by the committee into a new House committee substitute for Senate Bill 603, that the new committee substitute be given a favorable report, unfavorable as to the original Senate bill. The motion passed.

There being no further business, the meeting adjourned at 7:10 p.m.

Bill Culpepper — Dorothy C. Crocker

Representative Bill Culpepper, Chairman Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S 1

SENATE BILL 603*

Short Title:	Durham Charter Cleanup.	(Local)
Sponsors:	Senators Gulley and Lucas.	
Referred to:	State and Local Government.	

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, is further amended by repealing the following sections:

Section 2.5, entitled "Use of property lines as annexation boundaries", as added by Chapter 342 of the 1993 Session Laws;

Section 13.1, entitled "Council to judge elections", as added by Chapter 852 of the 1979 Session Laws;

Section 23, entitled "Authority of city manager";

Section 24, entitled "Special police";

Section 28, entitled "Political campaign activity prohibited";

Section 29, entitled "Director of public safety";

Section 33, entitled "Protection of the public water supply";

Section 41, entitled "Fiscal year and annual estimate";

Section 42, entitled "Revenue";

Section 46, entitled "Authority to impose";

Section 48, entitled "License transfer";

Section 50, entitled "Investigation of city affairs";

Section 53, entitled "Opening under the streets; obstructions";

Section 58, entitled "Regulation of the use of public property";

Section 59, entitled "Suppression of nuisances";

Section 61, entitled "Sunday observance";

Section 62, entitled "Regulation of Amusements";

Section 64, entitled "Regulation of bondsmen";

Section 65, entitled "Protection of businesses from fraud";

Section 66, entitled "Licensing of plumbers and electricians";
Section 83, entitled "Public buildings";
Section 84, entitled "Public contracts";
Section 98, entitled "Dedication or reservation of recreation areas";
Section 99, entitled "Building inspections";
Section 103, entitled "Regulation of parks and squares";
Section 104, entitled "Public concerts";
Section 106, entitled "Appropriations for recreational, scientific and cultural activities";
Section 107, entitled "Advertisement of the city";
Section 108, entitled "Encouraging location of industry";
Section 109, entitled "City ice plant";
Section 110, entitled "City rock quarry";
Section 113, entitled "Authority to waive governmental immunity"; and
Section 117, entitled "Penalty for failure to turn over city property".

SECTION 2. Section 7 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws reads as rewritten:

"Sec. 7. Oaths of Office.–The Mayor and each Council member, before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths an oath that they will fairly and impartially perform the duties of their office. ~~The Mayor and Council members shall hold their respective offices until their respective successors have been duly qualified.~~"

SECTION 3. Section 8 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended by Chapter 370 of the 1983 Session Laws and Chapter 169 of the 1985 Session Laws, reads as rewritten:

"Sec. 8. Powers of the City Council.–The City Council shall have full power and authority, except as otherwise provided for in this Charter, to exercise all of the powers conferred upon and delegated to the City of Durham by this Charter and by the laws of North Carolina. The City Council shall have power to make such ordinances, rules and regulations as it may deem necessary for the proper government of the City and to promote and safeguard the health, morals, safety and general welfare and convenience of the public. The City Council may provide for the proper enforcement of such ordinances, in such manner as it may think best, by fine, imprisonment or otherwise. The City Council may provide for the organization of the offices, departments and divisions of City government, not inconsistent with this Charter: By way of example and not limitation, the City Council, in performing the duties and responsibilities set forth in G.S. 160A-412, may assign all or part of the duties of an inspection department to an existing or newly created department, division or office of the City, may assign all or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly created department, division or office of the City and may designate the job titles and duties of the personnel so assigned.

~~Pursuant to Article V, Section 2(7) of the Constitution of North Carolina, the City Council may contract with and appropriate money to any person, association, or corporation for the accomplishment of any public purpose.~~"

SECTION 4. Section 30 of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws reads as rewritten:

"Sec. 30. Authority to Operate Waterworks. ~~(1) The City Council is authorized to conduct and operate the municipally owned waterworks of the City for the purpose of supplying the purchasers of water of the system with a good and wholesome supply thereof. Persons employed by the City in connection with said system shall be appointed by the City Manager and shall be under his supervision and control.~~

~~(2) For the purpose of properly operating and maintaining the system and for making additions and improvements thereto as may be necessary at all times to properly operate the system, the City Council shall have power to acquire by purchase or by condemnation additional property or rights within or without the City.~~

(3) The City Council, and all persons acting under their authority, shall have the right to use the ground or soil, in, or upon, or under any road, railroad, highway, lane or alley for the purpose of enlarging or improving or maintaining the plant or system of waterworks owned by the City, upon the condition that they shall not permanently injure any such property, and that the same shall be restored to its original condition, or damages done thereto shall be repaired by the City Council.

SECTION 5. In order to recodify a local modification to G.S. 160A-314 applicable to the City of Durham as a part of the Charter, S.L. 1998-50 is repealed and the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is amended by adding a new section to read:

"Sec. 38. Stationary container collection service.

(a) Where housing units qualify under city ordinances for roll-out cart solid waste collection service, and the housing units instead choose to be served by stationary containers in accordance with city ordinances, a city may provide stationary container collection service without charging fees for such service other than the fees applicable to roll-out cart service.

(b) Nothing in this section shall be construed to impair the authority of a city to charge customers who do not qualify for service under subsection (a) of this section the fees established by city ordinances for stationary container collection service."

SECTION 6. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 603*
PROPOSED HOUSE COMMITTEE SUBSTITUTE S603-CSRW-57 [v.2]

12/5/2001 6:04:14 PM

Short Title: Navassa/Cary Changes. (Local)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO TEMPORARILY EXPAND THE NAVASSA TOWN BOARD TO INCLUDE REPRESENTATION FROM THE AREA RECENTLY ANNEXED AND TO AUTHORIZE THE TOWN OF CARY TO REGULATE THE OPERATION OF GOLF CARTS ON PUBLIC STREETS WITHIN THE TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Section 3 of Chapter 77 of the 1977 Session Laws, as rewritten by S.L. 2001-325, from January 1, 2002, through the organizational meeting after the 2003 municipal election, the Board of Commissioners of the Town of Navassa shall consist of seven members.

SECTION 2. One of the additional two members of the Board of Commissioners of the Town of Navassa authorized by Section 1 of this act shall be appointed from District 2, as established by Section 4 of Chapter 77 of the 1977 Session Laws, as amended by Chapter 424 of the 1979 Session Laws, as rewritten by S.L. 2001-325, to serve until the organizational meeting after the 2003 municipal election. The other additional new member shall be appointed from District 3 to serve until the organizational meeting after the 2003 municipal election.

SECTION 3. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the Town of Cary may, by ordinance, regulate the operation of the electric golf carts on any public street or road within the Town. By ordinance, the Town may require the registration of golf carts, charge a fee for the registration, specify the persons authorized to operate golf carts, and specify required equipment, load limits, and the hours and methods of operation of the golf carts.

SECTION 4. 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 _____

S. B. No. 603 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) _____
Sen.)

1 moves to amend the bill on page 1, line 21

2 ( ) WHICH CHANGES THE TITLE

3 by deleting the phrase

4 "charge a fee for the registration,".

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SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 603*

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S603-ALB-177 [v.1]

Date _____,2001

Comm. Sub. [YES]
Amends Title [YES]
First Edition

Representative Gibson

moves to amend the bill on page 1, line 23, by adding the following new section to read:

"**SECTION 3.1(a)** G.S. 160A-272 reads as rewritten:

"**§ 160A-272. Lease or rental of property.**

Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 20 years (except as otherwise provided herein) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included. Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

No public notice need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less. Leases for terms of more than 20 years shall be treated as a sale of

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 603*

AMENDMENT NO._____
(to be filled in by
Principal Clerk)

S603-ALB-177 [v.1]

property and may be executed by following any of the procedures authorized for sale of real property. "

"**SECTION 3.1.(b)** This section applies to Montgomery County only, and as to that county only to leases for airport purposes."

Further moves to amend the bill on page 1 by adding the following at the end of the title "AND CONCERNING AIRPORT LEASES BY MONTGOMERY COUNTY"

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☐ Committee Substitute for
S.B. 603 A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a 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)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H 3

HOUSE BILL 1144

Committee Substitute Favorable 4/24/01

Senate Education/Higher Education Committee Substitute Adopted 10/4/01

Short Title: Revise BOG Election Procedure. (Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-6 reads as rewritten:

"**§ 116-6. Election and terms of members of Board of Governors.**

(a) As the terms of members of the Board of Governors provided for in G.S. 116-5 expire, their successors shall be elected by the Senate and House of Representatives. Sixteen members shall be elected at the regular legislative session in 1993 and every two years thereafter. The Senate and the House of Representatives shall each elect one-half of the persons necessary to fill the vacancies on the Board of Governors. ~~Of the 16 members elected every two years beginning in 1993, at least two shall be women, at least two other members shall be members of a minority race, and at least two other members shall be members of the political party to which the largest minority of the members of the General Assembly belongs.~~

~~(b) In 1993 and every four years thereafter the Senate shall elect at least two women and two members of a minority race, and the House of Representatives shall elect at least two members of the political party to which the largest minority of the members of the General Assembly belongs. In 1995 and every four years thereafter the Senate shall elect at least two members of the political party to which the largest minority of the members of the General Assembly belongs, and the House of Representatives shall elect at least two women and two members of a minority race.~~

(c) In electing members to the Board of Governors, the Senate and the House of Representatives shall select from a slate of candidates made in each house. The slate shall be prepared as provided by resolution of each house. If a sufficient number of nominees who are legally qualified are ~~submitted in a category for which members of~~

~~the Board of Governors are to be elected,~~ submitted, then the slate of candidates shall list at least twice the number of candidates for the total seats ~~open in a category.~~ open. All qualified candidates ~~in a category~~ shall compete against all other qualified ~~candidates in a category.~~ candidates. In 1993 and biennially thereafter, each house shall hold their elections within 30 legislative days after appointments to their education committees are complete.

(d) All terms shall commence on July 1 of odd-numbered years and all members shall serve for four-year overlapping terms.

(e) No person may be elected to:

(1) More than three full four-year terms in succession;

(2) A four-year term if preceded immediately by election to two full eight-year terms in succession; or

(3) A four-year term if preceded immediately by election to an eight-year term and a four-year term in succession.

Resignation from a term of office does not constitute a break in service for the purpose of this subsection. Service prior to the beginning of those terms in 1989 shall be included in the limitations.

(f) Any person who has served at least one full term as chairman of the Board of Governors shall be a member emeritus of the Board of Governors for one four-year term beginning at the expiration of that member's regular elected term. Any person already serving as an emeritus member may serve an additional four-year term beginning July 1, 1991. Members emeriti have all the rights and privileges of membership except they do not have a vote.

(g) Effective July 1, 1991, and thereafter, any person who has served at least one term as a member of the Board of Governors after having served as Governor of North Carolina shall be a member emeritus of the Board of Governors, with all the rights and privileges of membership as in G.S. 116-6."

SECTION 2. G.S. 116-7(a) reads as rewritten:

"**§ 116-7. General provisions concerning members of the Board of Governors.**

(a) All members of the Board of Governors shall be selected for their interest in, and their ability to contribute to the fulfillment of, the purposes of the Board of Governors, and all members shall be deemed members-at-large, charged with the responsibility of serving the best interests of the whole State. In electing members, the objective shall be to obtain the services of the ~~best qualified~~ citizens of the ~~State, taking into consideration the need for representation on the Board by the different races, sexes and political parties.~~State who are qualified by training and experience to administer the affairs of The University of North Carolina. Members shall be selected based upon their ability to further the educational mission of The University through their knowledge and understanding of the educational needs and desires of all the State's citizens, and their economic, geographic, political, racial, sexual, and ethnic diversity."

SECTION 3.(a) There is created the UNC Board of Governors Study Commission (Commission). The Commission shall consist of 10 members appointed as

follows: three by the President Pro Tempore of the Senate, three by the Speaker of the House of Representatives; two by the Governor; and two by the Chairman of the Board of Governors of The University of North Carolina. The President Pro Tempore of the Senate and the Speaker of the House shall each appoint one member to serve as cochair of the Commission. Vacancies on the Commisison shall be filled by the appointing authority. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum.

SECTION 3.(b) The Commission shall study the structure and mission of the Board of Governors of The University of North Carolina (BOG). As part of the study, the Commission shall consider the length of members' terms, the number of terms a member may serve, the size of the BOG, the scope of the BOG's governance powers, and the effectiveness of the current structure. As part of the study, the Commission may examine the governance systems of other states' institutions of higher education. The Commission shall report its findings and any recommendations to the 2002 Regular Session of the 2001 General Assembly.

SECTION 3.(c) Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 3.(d) The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building. The Legislative Administrative Officer shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, upon the direction of the Legislative Services Commission. The expenses relating to the employees shall be borne by the Commission. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with information in their possession or available to them. The Legislative Services Commission shall allocate funds available to the General Assembly to implement the provisions in this section.

SECTION 3.(e) The Commission shall terminate upon the filing of its final report.

SECTION 4. This act is effective when it becomes law. Sections 1 and 2 apply to elections held on and after that date.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House**

☒ Senate Committee Substitute for
H.B. 1144 A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY ELECTS THE MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO STUDY THE STRUCTURE OF THE BOARD OF GOVERNORS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☒ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 571

Rules and Operations of the Senate Committee Substitute Adopted 11/6/01

Short Title: President Pro Tem Appointments. (Public)

Sponsors:

Referred to:

March 21, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate; and

Whereas, the President Pro Tempore of the Senate has made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Barbara Berry of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2004.

SECTION 1.2. Robert Frank Timberlake, Jr. of Wake County, Jimmy A. Harrell, Jr. of Camden County, and Deborah Mae Johnson of Sampson County are appointed to the North Carolina Agricultural Finance Authority for terms expiring on June 30, 2004.

SECTION 1.3. Anita D. Pfaff of Forsyth County is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2004.

SECTION 1.4. Dr. Donald D'Alessandro of Mecklenburg County is appointed to the North Carolina Board of Athletic Trainers for a term beginning on August 1, 2001, and expiring on July 31, 2004.

SECTION 1.5. Ernie Bowden of Currituck County is appointed to the North Carolina Bridge Authority for a term expiring on June 30, 2005.

SECTION 1.6. Paul Davis Boney of New Hanover County is appointed to the State Building Commission for a term expiring on June 30, 2004.

SECTION 1.7. Dennis Walters of Cumberland County is appointed to the North Carolina Capital Facilities Finance Agency Board of Directors for a term expiring on March 1, 2004, to fill the unexpired term of Ashly Maag.

SECTION 1.8. George Matthew Wood, Jr. of Pasquotank County and Reef C. Ivey, II of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2005.

SECTION 1.9. Kenneth Wayne Wells of Dare County and Carol Newman of Mecklenburg County are appointed to the North Carolina Center for the Advancement of Teaching Board of Trustees for terms expiring on June 30, 2005.

SECTION 1.10. Anita C. McCorkle of Mecklenburg County and Janice McKenzie Cole of Perquimans County are appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2003.

SECTION 1.11. Richard K. Davis, Jr. of Catawba County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2004.

SECTION 1.12. William K. Rakatanksy of Mecklenburg County is appointed to the North Carolina Code Officials Qualification Board for a term expiring on June 30, 2005.

SECTION 1.13. Terry Lee Waterfield of Pasquotank County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term expiring on June 30, 2003.

SECTION 1.14. Stuart H. LeGrand of Cleveland County and Lieutenant Kenneth B. Wiseman of Harnett County are appointed to the Criminal Justice Information Network Governing Board for terms expiring on June 30, 2005.

SECTION 1.15. Marguerite P. Watts of Pasquotank County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June 30, 2004.

SECTION 1.16. Jeanne Hopkins Lucas of Durham County, Sharon Hunt of Robeson County, Dina Foster of Cleveland County, Colon Willoughby of Wake County, and John Guard of Pitt County are appointed to serve on the Domestic Violence Commission for terms expiring on August 31, 2003.

SECTION 1.17. Stephen E. Taylor of Dare County is appointed to the Emergency Medical Services Advisory Council for a term expiring on June 30, 2005. Steven Edward Landau of Johnston County is appointed to the Emergency Medical Service Advisory Council for a term expiring on June 30, 2003.

SECTION 1.18. Robert G. Ray of Jackson County, Thomas K. Jenkins of Macon County, and Maurice Anthony Lasher of Buncombe County are appointed to the Environmental Management Commission for terms expiring on June 30, 2003.

SECTION 1.19. Sharon K. Sweeny of Brunswick County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term beginning on October 1, 2001, and expiring on September 30, 2005.

SECTION 1.20. John A. Garwood of Wilkes County, Eleanor Kinnaird of Orange County, Charlie S. Dannelly of Mecklenburg County, and Jerry Eugene Allen of

Dare County are appointed to the Advisory Committee on Family-Centered Services for terms expiring on June 30, 2005.

SECTION 1.21. Hiram Brinson of Duplin County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2004.

SECTION 1.22. Howard B. Chapin of Beaufort County and Frank B. Holding, Jr. of Wake County are appointed to the North Carolina Global TransPark Authority for terms expiring on June 30, 2005.

SECTION 1.23. Jo Anne Jeffries of Durham County, Dianne Fales Wright of Wilson County, Terry Eugene Osborne of Rowan County, Emily H. Moore of Lenoir County, Anthony D. M. Mulvihill of Durham County, Bobby L. Bollinger, Jr. of Mecklenburg County, and George Kerns of Buncombe County are appointed to the Governor's Advocacy Council for Persons with Disabilities for terms expiring on June 30, 2003.

SECTION 1.24. Patricia G. Garrett of Mecklenburg County and J. Adam Abram of Wake County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2003. Robert J. Yatko of Gaston County and William Womble of Wake County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2005.

SECTION 1.25. Paul Brooks of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2003.

SECTION 1.26. Rufus Edmisten of Wake County is appointed to the Information Resource Management Commission for a term expiring on June 30, 2005.

SECTION 1.27. Marcus King of Wake County is appointed to the Local Government Commission for a term expiring on June 30, 2005.

SECTION 1.28. Troy Franklin Brickey of Forsyth County and J. P. Cauley of Lenoir County are appointed to the North Carolina Manufactured Housing Board for terms beginning on October 1, 2001, and expiring on September 30, 2004.

SECTION 1.29. Wayne Paul Seville of Guilford County is appointed to the North Carolina Board of Massage and Bodywork Therapy for a term expiring on June 30, 2003, to fill the unexpired term of Maria Spuller.

SECTION 1.30. Mansfield M. Elmore of Lee County, Jeanne Fenner of Wilson County, and Bernard H. Sullivan, Jr. of Gaston County are appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring on June 30, 2003.

SECTION 1.31. Windell Daniels of New Hanover County is appointed to the North Carolina Board of Mortuary Science for a term beginning on January 1, 2002, and expiring on December 31, 2004.

SECTION 1.32. Elizabeth Hobgood Wellons of Johnston County and Julia Bryan Jones Daniels of Wake County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2003.

SECTION 1.33. Elsie Griggs Hollowell Pugh of Camden County, Ben Berry of Pasquotank County, Charlie Shaw of Chowan County, Ernie Bowden of Currituck

County, Ray E. Hollowell, Jr. of Dare County, and Robert B. Spivey of Bertie County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2003.

SECTION 1.34. Robert E. Morrison of Randolph County is appointed to the North Carolina Center for Nursing Board of Directors for a term expiring on June 30, 2004.

SECTION 1.35. Virginia Adams of New Hanover County and Kathy Weeks of Harnett County are appointed to the North Carolina Nursing Scholars Commission for terms expiring on June 30, 2005.

SECTION 1.36. Todd W. Tilley of Perquimans County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2004.

SECTION 1.37. Michael Richard Haire of Perquimans County, Tom C. Mehder of Mecklenburg County, and Anne Coan, Douglas E. Howey, and Bill Weatherspoon of Wake County are appointed to the Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2003.

SECTION 1.38. Betty Medlin of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2003.

SECTION 1.39. Mack Donaldson of Guilford County is appointed to the Private Protective Services Board for a term expiring on June 30, 2004. James Robert Fosythe of Wayne County is appointed to the Private Protective Services Board for a term expiring on June 30, 2003, to fill the unexpired term of Thomas Burgin.

SECTION 1.40. Richard L. Burton of Durham County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term expiring on June 30, 2003.

SECTION 1.41. Anthony M. Copeland and Thomas Archbell Morrow of Wake County are appointed to the Board of Public Telecommunications Commissioners North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2003.

SECTION 1.42. Beverly McCracken of Guilford County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2003.

SECTION 1.43. Thomas P. Dillon of Union County is appointed to the North Carolina Railroad Board of Directors for a term expiring on June 30, 2005. Michael L. Weisel's appointment to the North Carolina Railroad Board of Directors shall expire on June 30, 2003.

SECTION 1.44. BeBe Woody of Dare County, Tod B. Clissold of Dare County, and Arvilla Bowser of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2003.

SECTION 1.45. David Ray Twiddy of Chowan County, Jim Funderburke of Gaston County, Laura DeVan of Cumberland County, and Thomas Hilliard of Wake County are appointed to the Rules Review Commission for terms expiring on June 30, 2003.

SECTION 1.46. Patricia Ferguson of Bertie County, Dr. Donald P. Altieri of Anson County, and William S. Wellons, Jr. of Cumberland County are appointed to the North Carolina Rural Internet Access Authority for terms beginning on August 1, 2001, and expiring on July 31, 2002.

SECTION 1.47. Richard F. Green of Brunswick County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term expiring on June 30, 2005.

SECTION 1.48. Kirk Alan Preiss of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2003.

SECTION 1.49. Russell Lee Stetson of Dare County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2003.

SECTION 1.50. Jane W. Smith of Robeson County, William W. Phipps of Columbus County, and Kenneth Robinette of Richmond County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2005.

SECTION 1.51. Kevin Charles Martin of Franklin County is appointed to the North Carolina Board for Licensing Soil Scientists for a term expiring on June 30, 2004.

SECTION 1.52. Dewitt Hardee of Johnston County is appointed to the Southern Dairy Compact Commission for a term expiring on June 30, 2005.

SECTION 1.53. Louise Ramsey of Nash County and William Cunningham, III of Carteret County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2005.

SECTION 1.54. Joseph M. Jenkins of Cumberland County and Althea Calloway of Mecklenburg County are appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for terms expiring on June 30, 2003. James Vann's appointment to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall expire on June 30, 2002.

SECTION 1.55. John H. Cilley, IV of Catawba County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2003.

SECTION 1.56. LeRoy J. Walker of Durham County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2005.

SECTION 1.57. Michael Scott Holder of Moore County is appointed to the North Carolina State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2004.

SECTION 1.58. D. Samuel Neill of Henderson County, David Reeves of Henderson County, and William Forsyth of Burke County are appointed to the Western North Carolina Regional Economic Development Commission for terms expiring on June 30, 2005. Michael Stephen Hawkins of Transylvania County is appointed to the

Western North Carolina Regional Economic Development Commission for a term expiring on June 30, 2003, to fill the unexpired term of David Huskins.

SECTION 1.59. Amy J. Lewis of Wake County is appointed to the North Carolina Veterinary Medical Board for a term expiring on June 30, 2006.

SECTION 1.60. Russell Mohn Hull, Jr. of Pasquotank County, John Edward Pechmann of Cumberland County, and Eugene Price of Wayne County are appointed to the Wildlife Resources Commission for terms expiring on April 24, 2003.

SECTION 1.61. Leigh Emick Horner of Orange County is appointed to North Carolina Wireless 911 Board for a term expiring on June 20, 2002, to fill the unexpired term of Cindy Smith.

PART II. STATUTORY AND SESSION LAW CHANGES

—CEMETERY COMMISSION

SECTION 2.1. G.S. 65-50 reads as rewritten:

"**§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of ~~seven members appointed by the Governor.~~ nine members. The General Assembly shall appoint two members, one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members ~~shall be owners or managers of~~ who own or manage cemeteries in North Carolina.

(2) Three members ~~shall be~~ who are selected from six nominees submitted by the North Carolina Cemetery Association.

(3) Two public members ~~shall be public members~~ who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

(c) Removal. – The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance and nonfeasance according to the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) Chair. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its chairman and another as its vice-chairman, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a chairman and vice-chairman to serve through June 30 of the next following year."

—STATE BOARD OF BARBER EXAMINERS

SECTION 2.2. G.S. 86A-4(b) reads as rewritten:

"(b) No member appointed to the Board on or after July 1, 1981, shall serve more than ~~two~~ three complete consecutive three-year terms, except that each member shall serve until the member's successor is appointed and qualifies.

No person who has been employed by the North Carolina State Board of Barber Examiners and has been removed for just cause shall be appointed within five years of the removal to serve as a Board member."

—MORTUARY SCIENCE BOARD

SECTION 2.3.(a) G.S. 90-210.18(b3) as enacted by Section 1 of S.L. 2001-294 reads as rewritten:

"(b3) The Governor, the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and the General Assembly upon the recommendation of the Speaker of the House of Representatives shall each appoint one public member to the Board. The public members of the Board may neither be licensed under this Article nor employed by a person who is. A vacancy occurring in a public member's seat shall be filled for the unexpired term by the appointing official."

SECTION 2.3.(b) Section 12 of S.L. 2001-294 reads as rewritten:

"**SECTION 12.** In order to stagger the terms of the public members of the North Carolina Board of Mortuary Science, the public member of the Board, with a second term expiring December 31, 2001, shall have such term extended until December 31, 2002. The public member of the Board whose term expires December 31, 2002, shall be appointed by the Governor. The public member of the board whose term expires December 31, 2001, shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. The public member of the board whose term expires December 31, 2003, shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives."

—JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

SECTION 2.4. G.S. 120-70.50 reads as rewritten:

"**§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight Committee.**

—ADVISORY COMMISSION ON MILITARY AFFAIRS

SECTION 2.9. G.S. 127C-2, as enacted by Section 12.1 of S.L. 2001-424, is amended by adding a new subsection to read:

"(e) The terms of the members of the Executive Committee shall be as follows:

(1) The members initially appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall serve terms ending on December 31, 2003.

(2) Seven of the members appointed by the Governor shall serve initial terms ending on December 31, 2002.

(3) Eight of the members appointed by the Governor shall serve initial terms ending on December 31, 2003.

Thereafter, all members shall serve two-year terms."

—BOARD OF TRUSTEES OF THE MUSEUM OF ART

SECTION 2.10. G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of ~~28~~29 members, chosen as follows:

(1) The Governor shall appoint ~~twelve~~ 13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);

(2) The North Carolina Art Society, Incorporated, shall elect four members;

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;

(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years."

—WILDLIFE RESOURCES COMMISSION

SECTION 2.11.(a) G.S. 143-240(a) reads as rewritten:

"(a) There is hereby created the Wildlife Resources Commission of the Department of Environment and Natural Resources which shall consist of ~~17~~ 19 citizens of North Carolina who shall be appointed as is provided in G.S. 143-241.

Each member of the Commission shall be an experienced hunter, fisherman, farmer, or biologist, who shall be generally informed on wildlife conservation and restoration problems.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6 as the case may be, which shall be paid from fees collected by the Wildlife Resources Commission."

SECTION 2.11.(b) G.S. 143-241 reads as rewritten:

"**§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

The members of the North Carolina Wildlife Resources Commission shall be appointed as follows:

The Governor shall appoint one member each from the first, fourth, and seventh wildlife districts to serve six-year terms;

The Governor shall appoint one member each from the second, fifth, and eighth wildlife districts to serve two-year terms;

The Governor shall appoint one member each from the third, sixth, and ninth wildlife districts to serve four-year terms;

The Governor shall also appoint two at-large members to serve four-year terms.

The General Assembly shall appoint ~~six~~ eight members of the Commission to serve two-year terms, ~~three~~ four upon the recommendation of the Speaker of the House, ~~three~~ four upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor serve at the pleasure of the Governor that appointed them and they may be removed by that Governor at any time. A successor to the appointing Governor may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

—FIRST FLIGHT CENTENNIAL COMMISSION

SECTION 2.12.(a) G.S. 143-640(c) reads as rewritten:

"(c) Membership. – The Commission shall consist of 28 members, as follows:

(1) Four persons appointed by the Governor.

(2) Five persons appointed by the President Pro Tempore of the Senate.

(3) Five persons appointed by the Speaker of the House of Representatives.

(4) The following persons or their designees, ex officio:

a. The Governor.

b. The President Pro Tempore of the Senate.

c. The Speaker of the House of Representatives.

d. The United States Senators from this State.

e. The member of the United States House of Representatives for the Third Congressional District.

f. The Governor of the State of Ohio.

g. The Secretary of the Department of Cultural Resources.

h. The Superintendent of the Cape Hatteras National Seashore of the United States National Park Service.

i. The chair of the Centennial of Flight Commemoration Commission.

j. The President of the First Flight Society.

k. The chair of the Dare County Board of Commissioners.

l. The Mayor of the Town of Kill Devil Hills.

m. The chair of the Dare County Tourism Board.

n. The Mayor of the Town of Kitty Hawk.

The members appointed to the First Flight Centennial Commission shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Commission, including individuals who have demonstrated expertise in the fields of aeronautics, aerospace science, or history, who have contributed to the development of the fields of aeronautics or aerospace science, or who have demonstrated a commitment to serving the public."

SECTION 2.12.(b) G.S. 143-640(e) reads as rewritten:

"(e) ~~Chair. – The chair shall be appointed biennially by the Governor from among the membership of the Commission.~~ Co-chairs. – The Governor shall select the co-chairs biennially from among the membership of the Commission. The initial term shall commence on ~~July 1, 1994.~~July 1, 2001."

—COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES

SECTION 2.13. G.S. 143B-148(a) reads as rewritten:

"(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services shall consist of ~~26~~ 29 members:

(1) ~~Four~~ Six of whom shall be appointed by the General Assembly, ~~two~~ three upon the recommendation of the Speaker of the House of Representatives, and ~~two~~ three upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. These members shall have concern for the problems of mental illness, developmental disabilities, alcohol and drug abuse. Members shall serve for two-year terms beginning July 1 of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122;

(2) ~~Twenty-two~~ Twenty-three of whom shall be appointed by the Governor, one from each congressional district in the State in accordance with G.S. 147-12(3)b, and 10 at-large members.

a. Of these ~~22~~23 members, three shall have a special interest in mental health, three shall have a special interest in mental retardation, three shall have a special interest in developmental disabilities other than mental retardation, three shall have a special interest in alcohol abuse and alcoholism and three shall have a special interest in drug abuse. Each group of three shall be made up of one member who is a consumer representative; one other who is a representative of a local or State citizen organization or association; and one other who is a professional in the field.

b. The remaining ~~seven~~ eight members shall be appointed from the general public, other citizen groups, area mental health, developmental disabilities, and substance abuse authorities, or from other related agencies.

c. Of these ~~22~~ 23 appointments, at least one shall be a licensed physician and at least one other shall be a licensed attorney.

d. The Governor shall appoint members to the Commission in accordance with the foregoing provisions. The terms of all Commission members appointed by the Governor shall be four years. The initial term of the person representing the 12th Congressional District shall begin January 3, 1993, and expire June 30, 1996. All Commission members shall serve their designated terms and until their successors are duly appointed and qualified. All Commission members may succeed themselves.

(3) All appointments shall be made pursuant to current federal rules and regulations, when not inconsistent with State law, which prescribe the

selection process and demographic characteristics as a necessary condition to the receipt of federal aid."

—COUNCIL FOR DEAF AND HARD OF HEARING

SECTION 2.14. G.S. 143B-216.32(a), as amended by Section 21.81(d) of S.L. 2001-424, reads as rewritten:

"(a) The Council for the Deaf and the Hard of Hearing shall consist of ~~23~~25 members. Fifteen members shall be members appointed by the Governor. Three members appointed by the Governor shall be persons who are deaf and three members shall be persons who are hard of hearing. One appointment shall be an educator who trains deaf education teachers and one appointment shall be an audiologist licensed under Article 22 of Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of hearing children including one parent of a student in a residential school; one parent of a student in a preschool program; and one parent of a student in a mainstream education program, with at least one parent coming from each region of the North Carolina schools for the deaf regions. One member appointed by the Governor shall be recommended by the President of the North Carolina Association of the Deaf; one member shall be recommended by the President of the North Carolina Pediatric Society; one member shall be recommended by the President of the North Carolina Registry of Interpreters for the Deaf; and one member shall be nominated by the Superintendent of Public Instruction. ~~One member~~ Two members shall be appointed from the House of Representatives by the Speaker of the House of Representatives and ~~one member~~ two members shall be appointed from the Senate by the President Pro Tempore of the Senate. The Secretary of Health and Human Services shall appoint six members as follows: one from the Division of Vocational Rehabilitation, one from the Division of Aging, one from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, one from the Division of Social Services, one from a North Carolina Chapter of SHHH (Self Help for the Hard of Hearing), and one from SPEAK (Statewide Parents' Education and Advocacy for Kids)."

—BOARD OF CORRECTION

SECTION 2.15. G.S. 143B-265(b) reads as rewritten:

"(b) The Board of Correction shall consist of one voting member from each of the ~~12~~ 13 congressional districts, appointed by the Governor to serve at his pleasure. One member shall be a psychiatrist or a psychologist, one an attorney with experience in the criminal courts, one a judge in the General Court of Justice and nine members appointed at large. The Secretary of Correction shall be an additional nonvoting member and chairman ex officio. The terms of office of the nine members presently serving on the Board shall continue, but any vacancy occurring on or after July 1, 1983, shall be filled by the Governor in compliance with the requirement of membership from the various congressional districts."

—ENVIRONMENTAL MANAGEMENT COMMISSION

SECTION 2.16. G.S. 143B-283(d) reads as rewritten:

"(d) In addition to the members designated by subsection (a) of this section, the General Assembly shall appoint ~~four~~ six members, ~~two~~ three upon the recommendation of the Speaker of the House of Representatives, and ~~two~~ three upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Members appointed by the General Assembly shall serve terms of two years."

—AERONAUTICS COUNCIL

SECTION 2.17. G.S. 143B-357(a) reads as rewritten:

"(a) The Aeronautics Council of the Department of Transportation shall consist of ~~14~~15 members appointed by the Governor, who, in making such appointments, shall designate one person from each of the congressional districts of the State and two members selected at large. At least four of the appointed members shall possess a broad knowledge of aviation and airport development.

Five of the initial members of the Council shall be the five members of the Governor's Aviation Committee whose terms expire on June 30, 1977, who shall serve on the Council until June 30, 1977. Thereafter, their successors shall be appointed for a term of office of four years. Six members of the Council shall be appointed for a term of four years beginning July 1, 1975. The initial term of the member representing the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. Thereafter, after the expiration of their respective terms of office, the successors shall be appointed for terms of four years. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term."

—PROGRESS BOARD

SECTION 2.18. G.S. 143B-372.1(c) reads as rewritten:

"(c) The Governor or the Governor's designee shall be chair of the North Carolina Progress Board. The Governor shall appoint a vice-chair from among the membership of the North Carolina Progress Board to serve at the pleasure of the Governor. The North Carolina Progress Board may elect such other officers as it sees fit."

—HUMAN RELATIONS COMMISSION

SECTION 2.19. G.S. 143B-392(a) reads as rewritten:

"(a) The Human Relations Commission of the Department of Administration shall consist of ~~21~~22 members. The Governor shall appoint one member from each of the ~~12~~13 congressional districts, plus five members at large, including the chairperson. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The President Pro Tempore of the Senate shall appoint two members

to the Commission. The terms of four of the members appointed by the Governor shall expire June 30, 1988. The terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms of four of the members appointed by the Governor shall expire June 30, 1986. The terms of four of the members appointed by the Governor shall expire June 30, 1985. The terms of the members appointed by the Speaker of the North Carolina House of Representatives shall expire June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire June 30, 1986. The initial term of office of the person appointed to represent the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the end of the respective terms of office of the initial members of the Commission, the appointment of their successors shall be for terms of four years. No member of the commission shall serve more than two consecutive terms. A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be filled in the manner of the original appointment for the unexpired term."

—GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

SECTION 2.20. G.S. 143B-415(a) reads as rewritten:

"(a) The Governor's Advocacy Council on Children and Youth shall consist of ~~18~~ 19 members. The composition of the Council shall be as follows: two members appointed by the President Pro Tempore of the Senate from the membership of the Senate; two members selected by the Speaker of the House of Representatives from the membership of the House of Representatives; ~~14~~—15 members appointed by the Governor.

Of the members appointed by the Governor, at least one shall come from each congressional district in accordance with G.S. 147-12(3)b.

In selecting the ~~14~~—15 members of the Council, the Governor shall select ~~10~~—11 public-spirited adult citizens who have an interest in and knowledge of children and youth, persons who work with children or representatives of organizations concerned with problems of children and youth. The remaining four members to be appointed by the Governor shall consist of two youths of each sex who are 18 years of age or under at the time of their appointments."

—BOARD OF SCIENCE AND TECHNOLOGY

SECTION 2.21. Part 27 of Article 9 of Chapter 143B, as recodified by Section 7.6 of S.L. 2001-424, reads as rewritten:

"Part 27. North Carolina Board of Science and Technology.

"**§ 143B-426.30. North Carolina Board of Science and Technology; creation; powers and duties.**

The North Carolina Board of Science and Technology of the Department of ~~Administration~~ Commerce is created. The Board has the following powers and duties:

(1) To identify, and to support and foster the identification of, important research needs of both public and private agencies, institutions and organizations in North ~~Carolina;~~Carolina that relate to the State's economic growth and development;

(2) To make recommendations concerning policies, procedures, organizational structures and financial requirements that will promote effective use of scientific and technological resources in fulfilling the research needs ~~identified;~~identified and that will promote the economic growth and development of North Carolina;

(3) To allocate funds available to the Board to support research projects, to purchase research equipment and supplies, to construct or modify research facilities, to employ consultants, and for other purposes necessary or appropriate in discharging the duties of the ~~Board.~~Board;

(4) To advise and make recommendations to the Governor, the Secretary of Commerce, and the Economic Development Board on the role of science and technology in the economic growth and development of North Carolina.

"**§ 143B-426.31. North Carolina Board of Science and Technology; membership; organization; compensation; staff services.**

(a) The North Carolina Board of Science and Technology consists of the Governor, the Secretary of Commerce, ~~the Science Advisor to the Governor,~~ and 17 members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and two members from other components of the University of North Carolina, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member from the Research Triangle Institute, nominated by the executive committee of the board of that institute; one member from the Microelectronics Center of North Carolina, nominated by the executive committee of the board of that center; one member from the North Carolina Biotechnology Center, nominated by the executive committee of the board of that center; four members from private industry in North Carolina, at least one of whom shall be a professional engineer registered pursuant to Chapter 89C of the General Statutes or a person who holds at least a bachelors degree in engineering from an accredited college or university; and two members from public agencies in North Carolina. Two members shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among members

appointed by the Governor shall submit to the Governor two nominations for each position to be filled, and the persons so nominated shall represent different disciplines.

(b) Members appointed to the Board by the General Assembly shall serve for two-year terms beginning 1 July of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. The two members from public agencies shall serve for terms expiring at the end of the term of the Governor appointing them. The other 13 members appointed to the Board by the Governor shall serve for four-year terms, and until their successors are appointed and qualified. Of those 13 members, six shall serve for terms that expire on 30 June of years that follow by one year those years that are evenly divisible by four, and seven shall serve for terms that expire on 30 June of years that follow by three years those years that are evenly divisible by four. Any appointment to fill a vacancy on the Board created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) The Governor or the Governor's designee shall serve as ~~chairman~~ chair of the Board. The vice ~~chairman~~ chair and the secretary of the Board shall be designated by the Governor or the Governor's designee from among the members of the Board. ~~The Science Advisor to the Governor shall serve as executive director of the Board. The Secretary of Administration or his designee shall serve as secretary to the Board.~~

(d) The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

(e) Members of the Board who are employees of State agencies or institutions shall receive subsistence and travel allowances authorized by G.S. 138-6. Legislative members of the Board shall receive subsistence and travel allowances authorized by G.S. 120-3.1.

(f) A majority of the Board constitutes a quorum for the transaction of business.

(g) The Secretary of ~~Administration~~ Commerce shall provide all clerical and other services required by the Board."

—VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION

SECTION 2.22. Section 1 of S.L. 2001-266 reads as rewritten:

"**SECTION 1.** Upon the Virginia General Assembly's concurring action, the Virginia-North Carolina Interstate High-Speed Rail Commission is established. The North Carolina component shall consist of ~~six~~ eight members to be appointed as follows:

(1) Three members of the House of Representatives to be appointed by the Speaker of the House of ~~Representatives; and~~Representatives.

(1a) One public member appointed by the Speaker of the House of Representatives; and

(2) ~~Three~~ Four members of the Senate to be appointed by the President Pro Tempore of the ~~Senate.~~Senate, at least one of whom is a member of the North Carolina Railroad Study Committee."

—NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

SECTION 2.23.(a) G.S. 113-77.8(a) reads as rewritten:

"(a) Expenditures from the Fund shall be authorized by a ~~nine-member~~ 12-member Board of Trustees. ~~Three~~ Four members shall be appointed by the Governor, ~~three~~ four by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and ~~three~~ four by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. Persons appointed shall be knowledgeable in the acquisition and management of natural areas. Each appointing officer shall designate one of his initial appointments to serve a two-year term, one to serve a four-year term, and one to serve a six-year term. Thereafter, all appointments shall be for six years, subject to reappointment. ~~All initial appointments shall be made on or before January 1, 1988.~~ Appointments shall expire January 1 of even-numbered years. The Governor shall appoint one Trustee to serve as Chairman of the Board. The Secretary shall provide the Trustees with staff support and meeting facilities using expenditures from the Fund. The office of Trustee is declared to be an office that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution."

SECTION 2.23.(b) The three members of the Natural Heritage Trust Fund Board of Trustees appointed under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall be appointed on or before January 1, 2002. Notwithstanding G.S. 113-77.8(a), the member of the Natural Heritage Trust Fund Board of Trustees appointed by the Governor under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall serve an initial term of two years; the member of the Natural Heritage Trust Fund Board of Trustees appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall serve an initial term of four years; and the member of the Natural Heritage Trust Fund Board of Trustees appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall serve an initial term of six years. Thereafter, the terms of all members of the Natural Heritage Trust Fund Board of Trustees appointed under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall be for six years. This section shall not be construed to affect the terms of current members of the Natural Heritage Trust Fund Board of Trustees.

PART III. EFFECTIVE DATES AND HEADINGS

SECTION 3.1. The headings to the parts and sections of this act are a convenience to the reader and are for reference only.

SECTION 3.2. Unless otherwise provided for in this act, appointments are for terms to begin July 1, 2001.

SECTION 3.3. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 571

Rules and Operations of the Senate Committee Substitute Adopted 11/6/01
PROPOSED HOUSE COMMITTEE SUBSTITUTE S571-PCS8279-LG-38

Short Title: President Pro Tem and Speaker Appointments. (Public)

Sponsors:

Referred to:

March 21, 2001

A BILL TO BE ENTITLED

AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

Whereas, G.S. 120-121 authorizes the General Assembly to make certain appointments to public offices upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives; and

Whereas, the President Pro Tempore of the Senate and the Speaker of the House of Representatives have made recommendations; Now, therefore,

The General Assembly of North Carolina enacts:

PART I. PRESIDENT PRO TEMPORE'S RECOMMENDATIONS

SECTION 1.1. Barbara Berry of Wake County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2004.

SECTION 1.2. Robert Frank Timberlake, Jr. of Wake County, Jimmy A. Harrell, Jr. of Camden County, and Deborah Mae Johnson of Sampson County are appointed to the North Carolina Agricultural Finance Authority for terms expiring on June 30, 2004.

SECTION 1.3. Anita D. Pfaff of Forsyth County is appointed to the Alarm Systems Licensing Board for a term expiring on June 30, 2004.

SECTION 1.4. Dr. Donald D'Alessandro of Mecklenburg County is appointed to the North Carolina Board of Athletic Trainers for a term beginning on August 1, 2001, and expiring on July 31, 2004.

SECTION 1.5. Ernie Bowden of Currituck County is appointed to the North Carolina Bridge Authority for a term expiring on June 30, 2005.

SECTION 1.6. Paul Davis Boney of New Hanover County is appointed to the State Building Commission for a term expiring on June 30, 2004.

SECTION 1.7. Dennis Walters of Cumberland County is appointed to the North Carolina Capital Facilities Finance Agency Board of Directors for a term expiring on March 1, 2004, to fill the unexpired term of Ashly Maag.

SECTION 1.8. George Matthew Wood, Jr. of Pasquotank County and Reef C. Ivey, II of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2005.

SECTION 1.9. Kenneth Wayne Wells of Dare County and Carol Newman of Mecklenburg County are appointed to the North Carolina Center for the Advancement of Teaching Board of Trustees for terms expiring on June 30, 2005.

SECTION 1.10. Anita C. McCorkle of Mecklenburg County and Janice McKenzie Cole of Perquimans County are appointed to the North Carolina Child Care Commission for terms expiring on June 30, 2003.

SECTION 1.11. Richard K. Davis, Jr. of Catawba County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2004.

SECTION 1.12. William K. Rakatanksy of Mecklenburg County is appointed to the North Carolina Code Officials Qualification Board for a term expiring on June 30, 2005.

SECTION 1.13. Terry Lee Waterfield of Pasquotank County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term expiring on June 30, 2003.

SECTION 1.14. Stuart H. LeGrand of Cleveland County and Lieutenant Kenneth B. Wiseman of Harnett County are appointed to the Criminal Justice Information Network Governing Board for terms expiring on June 30, 2005.

SECTION 1.15. Marguerite P. Watts of Pasquotank County is appointed to the Disciplinary Hearing Commission of the North Carolina State Bar for a term expiring on June 30, 2004.

SECTION 1.16. Jeanne Hopkins Lucas of Durham County, Sharon Hunt of Robeson County, Dina Foster of Cleveland County, Colon Willoughby of Wake County, and John Guard of Pitt County are appointed to serve on the Domestic Violence Commission for terms expiring on August 31, 2003.

SECTION 1.17. Stephen E. Taylor of Dare County is appointed to the Emergency Medical Services Advisory Council for a term expiring on June 30, 2005. Steven Edward Landau of Johnston County is appointed to the Emergency Medical Service Advisory Council for a term expiring on June 30, 2003.

SECTION 1.18. Robert G. Ray of Jackson County, Thomas K. Jenkins of Macon County, and Maurice Anthony Lasher of Buncombe County are appointed to the Environmental Management Commission for terms expiring on June 30, 2003.

SECTION 1.19. Sharon K. Sweeny of Brunswick County is appointed to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors for a term beginning on October 1, 2001, and expiring on September 30, 2005.

SECTION 1.20. John A. Garwood of Wilkes County, Eleanor Kinnaird of Orange County, Charlie S. Dannelly of Mecklenburg County, and Jerry Eugene Allen of Dare County are appointed to the Advisory Committee on Family-Centered Services for terms expiring on June 30, 2005.

SECTION 1.21. Hiram Brinson of Duplin County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2004.

SECTION 1.22. Howard B. Chapin of Beaufort County and Frank B. Holding, Jr. of Wake County are appointed to the North Carolina Global TransPark Authority for terms expiring on June 30, 2005.

SECTION 1.23. Jo Anne Jeffries of Durham County, Dianne Fales Wright of Wilson County, Terry Eugene Osborne of Rowan County, Emily H. Moore of Lenoir County, Anthony D. M. Mulvihill of Durham County, Bobby L. Bollinger, Jr. of Mecklenburg County, and George Kerns of Buncombe County are appointed to the Governor's Advocacy Council for Persons with Disabilities for terms expiring on June 30, 2003.

SECTION 1.24. Patricia G. Garrett of Mecklenburg County and J. Adam Abram of Wake County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2003. Robert J. Yatko of Gaston County and William Womble of Wake County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2005.

SECTION 1.25. Paul Brooks of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2003.

SECTION 1.26. Rufus Edmisten of Wake County is appointed to the Information Resource Management Commission for a term expiring on June 30, 2005.

SECTION 1.27. Marcus King of Wake County is appointed to the Local Government Commission for a term expiring on June 30, 2005.

SECTION 1.28. Troy Franklin Brickey of Forsyth County and J. P. Cauley of Lenoir County are appointed to the North Carolina Manufactured Housing Board for terms beginning on October 1, 2001, and expiring on September 30, 2004.

SECTION 1.29. Wayne Paul Seville of Guilford County is appointed to the North Carolina Board of Massage and Bodywork Therapy for a term expiring on June 30, 2003, to fill the unexpired term of Maria Spuller.

SECTION 1.30. Mansfield M. Elmore of Lee County, Jeanne Fenner of Wilson County, and Bernard H. Sullivan, Jr. of Gaston County are appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring on June 30, 2003.

SECTION 1.31. Windell Daniels of New Hanover County is appointed to the North Carolina Board of Mortuary Science for a term beginning on January 1, 2002, and expiring on December 31, 2004.

SECTION 1.32. Elizabeth Hobgood Wellons of Johnston County and Julia Bryan Jones Daniels of Wake County are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2003.

SECTION 1.33. Elsie Griggs Hollowell Pugh of Camden County, Ben Berry of Pasquotank County, Charlie Shaw of Chowan County, Ernie Bowden of Currituck County, Ray E. Hollowell, Jr. of Dare County, and Robert B. Spivey of Bertie County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2003.

SECTION 1.34. Robert E. Morrison of Randolph County is appointed to the North Carolina Center for Nursing Board of Directors for a term expiring on June 30, 2004.

SECTION 1.35. Virginia Adams of New Hanover County and Kathy Weeks of Harnett County are appointed to the North Carolina Nursing Scholars Commission for terms expiring on June 30, 2005.

SECTION 1.36. Todd W. Tilley of Perquimans County is appointed to the North Carolina Parks and Recreation Authority for a term expiring on June 30, 2004.

SECTION 1.37. Michael Richard Haire of Perquimans County, Tom C. Mehder of Mecklenburg County, and Anne Coan, Douglas E. Howey, and Bill Weatherspoon of Wake County are appointed to the Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2003.

SECTION 1.38. Betty Medlin of New Hanover County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2003.

SECTION 1.39. Mack Donaldson of Guilford County is appointed to the Private Protective Services Board for a term expiring on June 30, 2004. James Robert Fosythe of Wayne County is appointed to the Private Protective Services Board for a term expiring on June 30, 2003, to fill the unexpired term of Thomas Burgin.

SECTION 1.40. Richard L. Burton of Durham County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term expiring on June 30, 2003.

SECTION 1.41. Anthony M. Copeland and Thomas Archbell Morrow of Wake County are appointed to the Board of Public Telecommunications Commissioners North Carolina Agency for Public Telecommunications for terms expiring on June 30, 2003.

SECTION 1.42. Beverly McCracken of Guilford County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2003.

SECTION 1.43. Thomas P. Dillon of Union County is appointed to the North Carolina Railroad Board of Directors for a term expiring on June 30, 2005. Michael L. Weisel's appointment to the North Carolina Railroad Board of Directors shall expire on June 30, 2003.

SECTION 1.44. BeBe Woody of Dare County, Tod B. Clissold of Dare County, and Arvilla Bowser of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2003.

SECTION 1.45. David Ray Twiddy of Chowan County, Jim Funderburke of Gaston County, Laura DeVan of Cumberland County, and Thomas Hilliard of Wake

County are appointed to the Rules Review Commission for terms expiring on June 30, 2003.

SECTION 1.46. Patricia Ferguson of Bertie County, Dr. Donald P. Altieri of Anson County, and William S. Wellons, Jr. of Cumberland County are appointed to the North Carolina Rural Internet Access Authority for terms beginning on August 1, 2001, and expiring on July 31, 2002.

SECTION 1.47. Richard F. Green of Brunswick County is appointed to the Board of Trustees of the North Carolina School of Science and Mathematics for a term expiring on June 30, 2005.

SECTION 1.48. Kirk Alan Preiss of Wake County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2003.

SECTION 1.49. Russell Lee Stetson of Dare County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2003.

SECTION 1.50. Jane W. Smith of Robeson County, William W. Phipps of Columbus County, and Kenneth Robinette of Richmond County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2005.

SECTION 1.51. Kevin Charles Martin of Franklin County is appointed to the North Carolina Board for Licensing Soil Scientists for a term expiring on June 30, 2004.

SECTION 1.52. Dewitt Hardee of Johnston County is appointed to the Southern Dairy Compact Commission for a term expiring on June 30, 2005.

SECTION 1.53. Louise Ramsey of Nash County and William Cunningham, III of Carteret County are appointed to the North Carolina Teacher Academy Board of Trustees for terms expiring on June 30, 2005.

SECTION 1.54. Joseph M. Jenkins of Cumberland County and Althea Calloway of Mecklenburg County are appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for terms expiring on June 30, 2003. James Vann's appointment to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall expire on June 30, 2002.

SECTION 1.55. John H. Cilley, IV of Catawba County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2003.

SECTION 1.56. LeRoy J. Walker of Durham County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2005.

SECTION 1.57. Michael Scott Holder of Moore County is appointed to the North Carolina State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2004.

SECTION 1.58. D. Samuel Neill of Henderson County, Kenny Hankinson of Rutherford County, and William Forsyth of Cherokee County are appointed to the Western North Carolina Regional Economic Development Commission for terms

expiring on June 30, 2005. Michael Stephen Hawkins of Transylvania County is appointed to the Western North Carolina Regional Economic Development Commission for a term expiring on June 30, 2003, to fill the unexpired term of David Huskins.

SECTION 1.59. Amy J. Lewis of Wake County is appointed to the North Carolina Veterinary Medical Board for a term expiring on June 30, 2006.

SECTION 1.60. Russell Mohn Hull, Jr. of Pasquotank County, John Edward Pechmann of Cumberland County, and Eugene Price of Wayne County are appointed to the Wildlife Resources Commission for terms expiring on April 24, 2003.

SECTION 1.61. Leigh Emick Horner of Orange County is appointed to North Carolina Wireless 911 Board for a term expiring on June 20, 2002, to fill the unexpired term of Cindy Smith.

PART IA. SPEAKER'S RECOMMENDATIONS

SECTION 1A.1. Terry Lee Bradley of Gaston County is appointed to the Acupuncture Licensing Board for a term expiring on June 30, 2003.

SECTION 1A.2. Alfred J. Worley, Jr. of Columbus County, David Hall of Rowan County, and Stan Crow of Martin County are appointed to the North Carolina Agricultural Finance Authority for terms expiring on June 30, 2003.

SECTION 1A.4. Correction of term. Section 1A.3 of S.L. 2000-181 reads as rewritten:

"Section 1A.3. Dr. Thomas J. Newton of Sampson County is appointed to the North Carolina Board of Athletic Trainer Examiners for a term expiring on ~~June 30, 2002.~~ June 30, 2003."

SECTION 1A.5. Swayn G. Hamlett of Cumberland County is appointed to the North Carolina Bridge Authority for a term expiring on June 30, 2005.

SECTION 1A.6. C. Neil Styers of Gaston County is appointed to the State Building Commission for a term expiring on June 30, 2004.

SECTION 1A.7. O. Temple Sloan and Don Beason of Wake County are appointed to the Centennial Authority for terms expiring on June 30, 2003.

SECTION 1A.8. Cheri Cheek of Brunswick County and Sheryn Northey of Mecklenburg County are appointed to the North Carolina Center for the Advancement of Teaching Board of Trustees for terms expiring on June 30, 2005.

SECTION 1A.9. Linda Rivers of Cumberland County and Sandy Morris of Buncombe County are appointed to North Carolina Child Care Commission for terms expiring on June 30, 2003.

SECTION 1A.10. Eugene Alligood of Mecklenburg County is appointed to the State Board of Chiropractic Examiners for a term expiring on June 30, 2003.

SECTION 1A.11. Mark Hicks of Granville County and Howard Daniely of Alamance County are appointed to the North Carolina Code Officials Qualification Board for terms expiring on June 30, 2003.

SECTION 1A.12. Margaret Eichelberger of Wayne County is appointed to the Crime Victims Compensation Commission for a term expiring on June 30, 2003, to fill the unexpired term of Gary Eichelberger.

SECTION 1A.13. Charles P. Farris, Jr. of Wilson County is appointed to the North Carolina Criminal Justice Education and Training Standards Commission for a term expiring on June 30, 2003.

SECTION 1A.14. Joseph M. Buckner of Orange County is appointed to the Criminal Justice Information Network Governing Board for a term expiring on June 30, 2003, to fill the unexpired term of Ortharine Sansbury. Roy Holler of Person County is appointed to the Criminal Justice Information Network Governing Board for a term expiring on June 30, 2005.

SECTION 1A.15. Geraldine Sumter of Mecklenburg County, Rachel Ramsey of Polk County, Gayle P. Van Velsor of New Hanover County, and Michael Turner of Forsyth County, the Honorable Gary Cash of Buncombe County, and Lucy Hurley of Lee County are appointed to the Domestic Violence Commission for terms expiring on August 31, 2003. Earl Butler of Cumberland County is appointed to the Domestic Violence Commission for a term expiring on August 31, 2002, to fill the unexpired term of W.E. Smith.

SECTION 1A.16. Charlotte Cable of Macon County is appointed to the North Carolina Board of Electrolysis Examiners for a term expiring on August 31, 2004.

SECTION 1A.17. Anne Barnes of Orange County and Don Abernathy of Catawba County are appointed to the Environmental Management Commission for terms expiring on June 30, 2003.

SECTION 1A.18. Marvin Wilson of Mecklenburg County is appointed to the State Fire and Rescue Commission for a term expiring on June 30, 2004.

SECTION 1A.19. R. Gene Braswell of Wayne County is appointed to the North Carolina Global TransPark Authority for a term expiring on June 30, 2005.

SECTION 1A.20. Gerald W. Canipe of Cumberland County is appointed to the North Carolina Home Inspector Licensure Board for a term expiring on June 30, 2005.

SECTION 1A.21. Douglas R. Bebber of Buncombe County, Brent Barringer of Wake County, Paul S. Jaber of Edgecombe County, and Bill Fitzgerald of Robeson County are appointed to the North Carolina Housing Finance Agency Board of Directors for terms expiring on June 30, 2003.

SECTION 1A.22. Ray Littleturtle of Robeson County is appointed to the North Carolina State Commission of Indian Affairs for a term expiring on June 30, 2003.

SECTION 1A.23. Olin H. Broadway, Jr. of Mecklenburg County is appointed to the Information Resource Management Commission for a term expiring on June 30, 2005.

SECTION 1A.24. Billy D. Friende, Jr. of Forsyth County is appointed to the State Judicial Council for a term expiring on December 31, 2004.

SECTION 1A.25. David Huskins of McDowell County is appointed to the Local Government Commission for a term expiring on June 30, 2005.

SECTION 1A.26. Dr. Anna Scheyett of Orange County, Ellen Holliman of Davidson County, and Dr. Marvin S. Swartz of Durham County are appointed to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for terms expiring on June 30, 2003.

SECTION 1A.27. George S. Parrott of Carteret County is appointed to the North Carolina Board of Mortuary Science for a term beginning on January 1, 2002, expiring on December 31, 2003.

SECTION 1A.28. James Treadaway of Catawba County and Rosemary F. Wyche of Halifax and Wake Counties are appointed to the Board of Trustees of the North Carolina Museum of Art for terms expiring on June 30, 2003.

SECTION 1A.29. Henry L. Kitchin of Rockingham and Brunswick Counties and William Joslin of Wake County are appointed to the Natural Heritage Trust Fund Board of Trustees for terms expiring on December 31, 2007.

SECTION 1A.31. Patricia Gayle Floyd of Beaufort County and Dr. Evelyn Pruden of Wilson County are appointed to the North Carolina Nursing Scholars Commission for terms expiring on June 30, 2005.

SECTION 1A.32. Russell Robinson of Guilford County and Dr. Kenneth M. Sadler of Forsyth County are appointed to the North Carolina Parks and Recreation Authority for terms expiring on June 30, 2003.

SECTION 1A.33. Richard Pierce of New Hanover County, Laura Thompson-Quinn and Angela McCants of Wake County, Nancy McKeel of Buncombe County, Dr. Michael Teague of Wake County, Pat King of Rockingham County, and Jeff Cooper of Martin County are appointed to the Governor's Advocacy Council for Persons with Disabilities for terms expiring on June 30, 2003.

SECTION 1A.34. Lloyd Williams, Jr. of Cleveland County, Al Dorsett of Guilford County, David Knight and Leland L. Laymon of Wake County, and Bennie Gupton of Franklin County are appointed to the Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2003.

SECTION 1A.35. David Freshwater of Carteret County is appointed to the North Carolina State Ports Authority for a term expiring on June 30, 2003.

SECTION 1A.36. John D. Greco of Guilford County is appointed to the Private Protective Services Board for a term expiring on June 30, 2003.

SECTION 1A.37. Wade Wilmoth of Watauga County is appointed to the Property Tax Commission for a term expiring on June 30, 2003.

SECTION 1A.38. James Kirkpatrick of Guilford County is appointed to the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan for a term expiring on June 30, 2003.

SECTION 1A.39. Joe Kluttz of Stanly County is appointed to the Public Officers and Employees Liability Insurance Commission for a term expiring on June 30, 2003.

SECTION 1A.40. Jan Dempster of Moore County and Herb Crenshaw of Wake County are appointed to the Board of Public Telecommunications Commissioners for terms expiring on June 30, 2003.

SECTION 1A.41. Ruth Cook of Wake County is appointed to the Board of Trustees of the University of North Carolina Center for Public Television for a term expiring on June 30, 2003.

SECTION 1A.42. Sharman Thornton of Mecklenburg County is appointed to the North Carolina Railroad Board of Directors for a term expiring on June 30, 2003.

SECTION 1A.43.(a) Correction of term. Section 2.26 of S.L. 1999-431 reads as rewritten:

"Section 2.26. Fred Yates of Hertford County, Edmond Buckman of Beaufort County, and G.B. Warner of Pasquotank County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring ~~June 30, 2003.~~June 30, 2002."

SECTION 1A.43.(b) John E. Schrote of Pasquotank County, Joe Landino of Tyrrell County, and Ralph Mobley of Martin County are appointed to the Northeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2003.

SECTION 1A.44. James L. F. Smith of Pender County, Roger F. Hall, Jr. of Robeson County, and Kermit Williamson of Sampson County are appointed to the Southeastern North Carolina Regional Economic Development Commission for terms expiring on June 30, 2005. Henry E. Miller, III of New Hanover County is appointed to the Southeastern North Carolina Regional Economic Development Commission to fill the unexpired term of Gene Miller effective December 5, 2001, for a term expiring on June 30, 2003.

SECTION 1A.45. Walter Daniels of Dare County, Dr. Thomas Brooks of Wake County, and Winston Hawkins of Dare County are appointed to the Roanoke Island Commission for terms expiring on June 30, 2003.

SECTION 1A.46. Dr. Walter Futch of Brunswick County, Jennie Hayman of Wake County, and Dr. John Tart of Wayne County are appointed to the Rules Review Commission for terms expiring on June 30, 2003.

SECTION 1A.47. Bolling Gray McNeill, Jr. of Columbus County, Dr. Cecil Groves of Jackson County, and Brad Phillips of Wake County are appointed to the North Carolina Rural Internet Access Authority Commission for terms expiring on July 31, 2002.

SECTION 1A.48. Dr. Katherine Johnson of Nash County is appointed to the North Carolina Rural Redevelopment Authority for a term expiring on June 30, 2004.

SECTION 1A.49. Jameson Wells of Mecklenburg County is appointed to the North Carolina Board of Science and Technology for a term expiring on June 30, 2003.

SECTION 1A.50. Gilbert Baccus of Perquimans County is appointed to the North Carolina Seafood Industrial Park Authority for a term expiring on June 30, 2003.

SECTION 1A.51. Steve Bunn of Bladen County is appointed to the North Carolina Sheriffs' Education and Training Standards Commission for a term expiring on June 30, 2003.

SECTION 1A.52. Toney C. Jacobs of Iredell County is appointed to the North Carolina Board for Licensing Soil Scientists for a term expiring on June 30, 2004.

SECTION 1A.53. Wilson Hayman of Wake County is appointed to the State Personnel Commission for a term expiring on June 30, 2004, to fill the unexpired term of Ervin L. Ball, Jr.

SECTION 1A.55. William Hendricks and Trudy Mitchell of Wake County are appointed to the Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan for terms expiring on June 30, 2003.

SECTION 1A.56. James C. Rivers of Mecklenburg County is appointed to the Board of Trustees of the Teachers' and State Employees' Retirement System for a term expiring on June 30, 2003.

SECTION 1A.57. Millie Yongue of Scotland County is appointed to the North Carolina Teaching Fellows Commission for a term expiring on June 30, 2005.

SECTION 1A.58. Douglas O'Neal of Durham County is appointed to the North Carolina State Board of Therapeutic Recreation Certification for a term expiring on June 30, 2004.

SECTION 1A.59. Annette Myers of Granville County and Carol Rahea of Union County are appointed to the Watershed Protection Advisory Council for terms expiring on June 30, 2003.

SECTION 1A.60. Dale Todd of New Hanover County and Willie Setzer of Catawba County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2003.

SECTION 1A.61. Craig Madison of Buncombe County, Leon D. Jones of Cherokee County, and George Couch of Polk County are appointed to the Western North Carolina Regional Economic Development Commission for terms expiring on June 30, 2005. Van Phillips of Mitchell County is appointed to the Western North Carolina Regional Economic Development Commission for a term expiring on June 30, 2003, to fill the unexpired term of R. Tracy Walker.

SECTION 1A.62. Troy Boyd of Pasquotank County, Robert L. Purcell of Wake County, and Charles W. Bennett and Gary Allen of Mecklenburg County are appointed to the Wildlife Resources Commission for terms expiring on June 30, 2003.

SECTION 1A.63. Don Van Liew of Wake County is appointed to North Carolina Wireless 911 Board for a term expiring on June 30, 2002, to fill the unexpired term of Mike Watson.

SECTION 1A.64. Pursuant to G.S. 65-50(a), as amended by Section 2.1 of this act, Leonard J. Fulcher, Jr. of Durham County is appointed to the Cemetery Commission for a term expiring on June 30, 2005.

PART II. STATUTORY AND SESSION LAW CHANGES

—CEMETERY COMMISSION

SECTION 2.1. G.S. 65-50 reads as rewritten:

"**§ 65-50. Cemetery Commission; members, selection, quorum.**

(a) Membership. – The Cemetery Commission shall consist of ~~seven members appointed by the Governor.~~ nine members. The General Assembly shall appoint two members, one of whom shall be recommended by the President Pro Tempore of the Senate and one of whom shall be recommended by the Speaker of the House of Representatives. The Governor shall appoint seven members as follows:

(1) Two members ~~shall be owners or managers of~~ who own or manage cemeteries in North Carolina.

(2) Three members ~~shall be~~ who are selected from six nominees submitted by the North Carolina Cemetery Association.

(3) Two public members ~~shall be public members~~ who have no financial interest in, and are not involved in management of, any cemetery or funeral related business.

(b) Terms. – Four members of the initial Commission shall be appointed for a term to expire June 30, 1977, and three members shall be appointed for a term to expire June 30, 1976. At the end of the respective terms of office of the initial members of the Commission, their successors shall be nominated in the same manner, selected from the same categories and appointed for terms of four years and until their successors are appointed and qualified. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

(c) Removal. – The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance and nonfeasance according to the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

(d) Quorum. – A majority of the Commission shall constitute a quorum for the transaction of business.

(e) Chair. – At the first meeting of the Commission held after September 1, 1975, the Commission shall elect one of its members as its chairman and another as its vice-chairman, both to serve through June 30 of the next following year. Thereafter, at its first meeting held on or after July 1 of each year, the Commission shall elect from its members a chairman and vice-chairman to serve through June 30 of the next following year."

—STATE BOARD OF BARBER EXAMINERS

SECTION 2.2. G.S. 86A-4(b) reads as rewritten:

"(b) No member appointed to the Board on or after July 1, 1981, shall serve more than ~~two~~ three complete consecutive three-year terms, except that each member shall serve until the member's successor is appointed and qualifies.

No person who has been employed by the North Carolina State Board of Barber Examiners and has been removed for just cause shall be appointed within five years of the removal to serve as a Board member."

—MORTUARY SCIENCE BOARD

SECTION 2.3.(a) G.S. 90-210.18(b3), as enacted by Section 1 of S.L. 2001-294, reads as rewritten:

"(b3) The Governor, the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and the General Assembly upon the recommendation of the Speaker of the House of Representatives shall each appoint one public member to the Board. The public members of the Board may neither be licensed under this Article nor employed by a person who is. A vacancy occurring in a public member's seat shall be filled for the unexpired term by the appointing official."

SECTION 2.3.(b) Section 12 of S.L. 2001-294 reads as rewritten:

"**SECTION 12.** In order to stagger the terms of the public members of the North Carolina Board of Mortuary Science, the public member of the Board, with a second term expiring December 31, 2001, shall have such term extended until December 31, 2002. The public member of the Board whose term expires December 31, 2002, shall be appointed by the Governor. The public member of the board whose term expires December 31, 2001, shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate. The public member of the board whose term expires December 31, 2003, shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives."

—JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE

SECTION 2.4. G.S. 120-70.50 reads as rewritten:

"**§ 120-70.50. Creation and membership of Joint Legislative Transportation Oversight Committee.**

The Joint Legislative Transportation Oversight Committee is established. The Committee consists of ~~16~~ 18 members as follows:

(1) ~~Eight~~ Nine members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and

(2) ~~Eight~~ Nine members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on January 15 of each odd-numbered year, except the terms of the initial members, which begin on

appointment. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

—JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE

SECTION 2.5. G.S. 120-70.80 reads as rewritten:

"**§ 120-70.80. Creation and membership of Joint Legislative Education Oversight Committee.**

The Joint Legislative Education Oversight Committee is established. The Committee consists of ~~20~~ 22 members as follows:

(1) ~~Ten~~ Eleven members of the Senate appointed by the President Pro Tempore of the Senate, at least two of whom are members of the minority party; and

(2) ~~Ten~~ Eleven members of the House of Representatives appointed by the Speaker of the House of Representatives, at least three of whom are members of the minority party.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until his successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment."

—JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

SECTION 2.6. G.S. 120-74 reads as rewritten:

"**§ 120-74. Appointment of members; terms of office.**

The Commission shall consist of ~~36~~ 38 members. The President pro tempore of the Senate, the Speaker pro tempore of the House, the Deputy President pro tempore of the Senate, the Majority Leader of the House of Representatives, and the Majority Leader of the Senate and the Speaker of the House shall serve as ex officio members of the Commission. The Speaker of the House of Representatives shall appoint ~~15~~ 16 members from the House. The President pro tempore of the Senate shall appoint ~~15~~ 16 members from the Senate. Vacancies created by resignation or otherwise shall be filled by the original appointing authority. Members shall serve two-year terms beginning and ending on January 15 of the odd-numbered years. Members shall not be disqualified from completing a term of service on the Commission because they fail to run or are defeated for reelection. Resignation or removal from the General Assembly shall constitute resignation or removal from membership on the Commission."

—JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY

SECTION 2.7. G.S. 120-232(a) reads as rewritten:

"(a) The Committee shall consist of ~~14~~16 members as follows:

(1) ~~Four~~ Five members of the Senate at the time of their appointment, appointed by the President Pro Tempore of the Senate.

(2) ~~Four~~ Five members of the House of Representatives at the time of their appointment, appointed by the Speaker of the House of Representatives.

(3) Three members of the public, appointed by the President Pro Tempore of the Senate.

(4) Three members of the public, appointed by the Speaker of the House of Representatives.

The members appointed to the Committee from the public shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Committee, including individuals who have expertise in the field of computer technology or commercial transactions."

—RAILROAD STUDY COMMISSION

SECTION 2.8. G.S. 120-246 reads as rewritten:

"**§ 120-246. Membership.**

The Commission shall be composed of ~~16~~18 members as follows:

(1) ~~Eight~~ Nine members of the House of Representatives appointed by the Speaker of the House.

(2) ~~Eight~~ Nine members of the Senate appointed by the President Pro Tempore of the Senate.

Terms on the Commission are for two years and begin on January 15 of each odd-numbered year, except for the terms of the initial members, which begin on appointment. Members may complete a term of service on the Commission even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Commission."

—ADVISORY COMMISSION ON MILITARY AFFAIRS

SECTION 2.9.(a) G.S. 127C-2(d), as enacted by Section 12.1 of S.L. 2001-424, reads as rewritten:

"(d) The Governor shall designate one member of the Executive Committee appointed pursuant to subsection (b) of this section ~~shall choose a Chairman and four Vice-Chairmen from amongst its membership.~~to serve as chair. The Executive Committee shall elect four persons from amongst its membership to serve as vice-chairs."

SECTION 2.9.(b) G.S. 127C-2, as enacted by Section 12.1 of S.L. 2001-424, is amended by adding a new subsection to read:

"(e) The terms of the members of the Executive Committee shall be as follows:

(1) The members initially appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall serve terms ending on December 31, 2003.

(2) Seven of the members appointed by the Governor shall serve initial terms ending on December 31, 2002.

(3) Eight of the members appointed by the Governor shall serve initial terms ending on December 31, 2003.

Thereafter, all members shall serve two-year terms."

—BOARD OF TRUSTEES OF THE MUSEUM OF ART

SECTION 2.10. G.S. 140-5.13(b) reads as rewritten:

"(b) The Board of Trustees of the North Carolina Museum of Art shall consist of ~~28~~29 members, chosen as follows:

(1) The Governor shall appoint ~~twelve~~ 13 members, one from each congressional district in the State in accordance with G.S. 147-12(3b);

(2) The North Carolina Art Society, Incorporated, shall elect four members;

(3) The North Carolina Museum of Art Foundation, Incorporated, shall elect four members;

(4) The Board of Trustees of the North Carolina Museum of Art shall elect four members;

(5) The General Assembly shall appoint four members, two upon the recommendation of the Speaker of the House of Representatives, and two upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121;

(6) Repealed by Session Laws 1981 (Regular Session, 1982), c. 1191, s. 49.

All regular appointments or elections except those by the General Assembly shall be for terms of six years, except that each member shall serve until his successor is chosen and qualifies. No person may be appointed or elected to more than two consecutive terms of six years. All regular appointments by the General Assembly shall be for the then current legislative term, and no appointee of the General Assembly may be appointed to more than two consecutive terms of two years."

—WILDLIFE RESOURCES COMMISSION

SECTION 2.11.(a) G.S. 143-240(a) reads as rewritten:

"(a) There is hereby created the Wildlife Resources Commission of the Department of Environment and Natural Resources which shall consist of ~~17~~ 19 citizens of North Carolina who shall be appointed as is provided in G.S. 143-241.

Each member of the Commission shall be an experienced hunter, fisherman, farmer, or biologist, who shall be generally informed on wildlife conservation and restoration problems.

Members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6 as the case may be, which shall be paid from fees collected by the Wildlife Resources Commission."

SECTION 2.11.(b) G.S. 143-241 reads as rewritten:

"**§ 143-241. Appointment and terms of office of Commission members; filling of vacancies.**

The members of the North Carolina Wildlife Resources Commission shall be appointed as follows:

The Governor shall appoint one member each from the first, fourth, and seventh wildlife districts to serve six-year terms;

The Governor shall appoint one member each from the second, fifth, and eighth wildlife districts to serve two-year terms;

The Governor shall appoint one member each from the third, sixth, and ninth wildlife districts to serve four-year terms;

The Governor shall also appoint two at-large members to serve four-year terms.

The General Assembly shall appoint ~~six~~ eight members of the Commission to serve two-year terms, ~~three~~ four upon the recommendation of the Speaker of the House, ~~three~~ four upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121. Of the members appointed upon the recommendation of the Speaker of the House and upon the recommendation of the President Pro Tempore of the Senate, at least one of each shall be a member of the political party to which the largest minority of the members of the General Assembly belongs.

Thereafter as the terms of office of the members of the Commission appointed by the Governor from the several wildlife districts expire, their successors shall be appointed for terms of six years each. As the terms of office of the members of the Commission appointed by the General Assembly expire, their successors shall be appointed for terms of two years each. All members appointed by the Governor serve at the pleasure of the Governor that appointed them and they may be removed by that Governor at any time. A successor to the appointing Governor may remove a Commission member only for cause as provided in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of that body and may be removed by law at any time. In the event that a Commission member is removed, the member appointed to replace the removed member shall serve only for the unexpired term of the removed member."

—FIRST FLIGHT CENTENNIAL COMMISSION

SECTION 2.12.(a) G.S. 143-640(c) reads as rewritten:

"(c) Membership. – The Commission shall consist of 28 members, as follows:

(1) Four persons appointed by the Governor.
(2) Five persons appointed by the President Pro Tempore of the Senate.
(3) Five persons appointed by the Speaker of the House of Representatives.
(4) The following persons or their designees, ex officio:
a. The Governor.
b. The President Pro Tempore of the Senate.
c. The Speaker of the House of Representatives.
d. The United States Senators from this State.
e. The member of the United States House of Representatives for the Third Congressional District.
f. The Governor of the State of Ohio.
g. The Secretary of the Department of Cultural Resources.
h. The Superintendent of the Cape Hatteras National Seashore of the United States National Park Service.
i. The chair of the Centennial of Flight Commemoration Commission.
j. The President of the First Flight Society.
k. The chair of the Dare County Board of Commissioners.
l. The Mayor of the Town of Kill Devil Hills.
m. The chair of the Dare County Tourism Board.
n. The Mayor of the Town of Kitty Hawk.

The members appointed to the First Flight Centennial Commission shall be chosen from among individuals who have the ability and commitment to promote and fulfill the purposes of the Commission, including individuals who have demonstrated expertise in the fields of aeronautics, aerospace science, or history, who have contributed to the development of the fields of aeronautics or aerospace science, or who have demonstrated a commitment to serving the public."

SECTION 2.12.(b) G.S. 143-640(e) reads as rewritten:

"(e) ~~Chair. The chair shall be appointed biennially by the Governor from among the membership of the Commission.~~ Cochairs. – The Governor shall select the cochairs biennially from among the membership of the Commission. The initial term shall commence on ~~July 1, 1994.~~July 1, 2001."

—COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES

SECTION 2.13. G.S. 143B-148(a), as amended by Section 1.21(b) of S.L. 2001-437, reads as rewritten:

"(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services shall consist of ~~26~~29 members:

(1) ~~Four~~Six of whom shall be appointed by the General Assembly, ~~two~~three upon the recommendation of the Speaker of the House of Representatives, and ~~two~~three upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. These members shall be individuals who are concerned about the needs of individuals for mental health, developmental disabilities, and substance abuse services. Members shall serve for two-year terms beginning July 1 of odd-numbered years. A member shall serve not more than three consecutive two-year terms. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122;

(2) ~~Twenty-two~~Twenty-three of whom shall be appointed by the Governor, one from each congressional district in the State in accordance with G.S. 147-12(3)b, and ~~10~~the remainder at-large members.

a. Of these ~~22~~23 members, three shall have a special interest in mental health, three shall have a special interest in mental retardation, three shall have a special interest in developmental disabilities other than mental retardation, three shall have a special interest in alcohol abuse and alcoholism and three shall have a special interest in drug abuse. Each group of three shall be made up of one member who is a consumer representative; one other who is a representative of a local or State citizen organization or association; and one other who is a professional in the field.

b. The remaining ~~seven~~eight members shall be appointed from the general public, other citizen groups, area mental health, developmental disabilities, and substance abuse authorities, or from other related agencies.

c. Of these ~~22~~23 appointments, at least one shall be a licensed physician and at least one other shall be a licensed attorney.

d. ~~The Governor shall appoint members to the Commission in accordance with the foregoing provisions.~~ The terms of all Commission members appointed or reappointed by the Governor on or after July 1, 2002, shall be ~~four~~ two years. ~~The initial term of the person representing the 12th Congressional District shall begin January 3, 1993, and expire June 30, 1996.~~ All Commission members shall serve their designated terms and until their successors are duly appointed and qualified. All Commission members may succeed themselves. A member shall serve not more than three consecutive terms.

(3) All appointments shall be made pursuant to current federal rules and regulations, when not inconsistent with State law, which prescribe the selection process and demographic characteristics as a necessary condition to the receipt of federal aid."

—COUNCIL FOR DEAF AND HARD OF HEARING

SECTION 2.14. G.S. 143B-216.32(a), as amended by Section 21.81(d) of S.L. 2001-424, reads as rewritten:

"(a) The Council for the Deaf and the Hard of Hearing shall consist of ~~23~~25 members. Fifteen members shall be members appointed by the Governor. Three members appointed by the Governor shall be persons who are deaf and three members shall be persons who are hard of hearing. One appointment shall be an educator who trains deaf education teachers and one appointment shall be an audiologist licensed under Article 22 of Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of hearing children including one parent of a student in a residential school; one parent of a student in a preschool program; and one parent of a student in a mainstream education program, with at least one parent coming from each region of the North Carolina schools for the deaf regions. One member appointed by the Governor shall be recommended by the President of the North Carolina Association of the Deaf; one member shall be recommended by the President of the North Carolina Pediatric Society; one member shall be recommended by the President of the North Carolina Registry of Interpreters for the Deaf; and one member shall be nominated by the Superintendent of Public Instruction. ~~One member~~ Two members shall be appointed from the House of Representatives by the Speaker of the House of Representatives and ~~one member~~ two members shall be appointed from the Senate by the President Pro Tempore of the Senate. The Secretary of Health and Human Services shall appoint six members as follows: one from the Division of Vocational Rehabilitation, one from the Division of Aging, one from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, one from the Division of Social Services, one from a North Carolina Chapter of SHHH (Self Help for the Hard of Hearing), and one from SPEAK (Statewide Parents' Education and Advocacy for Kids)."

—BOARD OF CORRECTION

SECTION 2.15. G.S. 143B-265(b) reads as rewritten:

"(b) The Board of Correction shall consist of one voting member from each of the ~~12~~ 13 congressional districts, appointed by the Governor to serve at his pleasure. One member shall be a psychiatrist or a psychologist, one an attorney with experience in the criminal courts, one a judge in the General Court of Justice and nine members appointed at large. The Secretary of Correction shall be an additional nonvoting member and chairman ex officio. The terms of office of the nine members presently serving on the Board shall continue, but any vacancy occurring on or after July 1, 1983, shall be filled

by the Governor in compliance with the requirement of membership from the various congressional districts."

—ENVIRONMENTAL MANAGEMENT COMMISSION

SECTION 2.16. G.S. 143B-283(d) reads as rewritten:

"(d) In addition to the members designated by subsection (a) of this section, the General Assembly shall appoint ~~four~~ six members, ~~two~~ three upon the recommendation of the Speaker of the House of Representatives, and ~~two~~ three upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Members appointed by the General Assembly shall serve terms of two years."

—AERONAUTICS COUNCIL

SECTION 2.17. G.S. 143B-357(a) reads as rewritten:

"(a) The Aeronautics Council of the Department of Transportation shall consist of ~~14~~15 members appointed by the Governor, who, in making such appointments, shall designate one person from each of the congressional districts of the State and two members selected at large. At least four of the appointed members shall possess a broad knowledge of aviation and airport development.

Five of the initial members of the Council shall be the five members of the Governor's Aviation Committee whose terms expire on June 30, 1977, who shall serve on the Council until June 30, 1977. Thereafter, their successors shall be appointed for a term of office of four years. Six members of the Council shall be appointed for a term of four years beginning July 1, 1975. The initial term of the member representing the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. Thereafter, after the expiration of their respective terms of office, the successors shall be appointed for terms of four years. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term."

—PROGRESS BOARD

SECTION 2.18. G.S. 143B-372.1(c) reads as rewritten:

"(c) The Governor or the Governor's designee shall be chair of the North Carolina Progress Board. The Governor shall appoint a vice-chair from among the membership of the North Carolina Progress Board to serve at the pleasure of the Governor. The North Carolina Progress Board may elect such other officers as it sees fit."

—HUMAN RELATIONS COMMISSION

SECTION 2.19. G.S. 143B-392(a) reads as rewritten:

"(a) The Human Relations Commission of the Department of Administration shall consist of ~~21~~22 members. The Governor shall appoint one member from each of the

~~12~~13 congressional districts, plus five members at large, including the chairperson. The Speaker of the North Carolina House of Representatives shall appoint two members to the Commission. The President Pro Tempore of the Senate shall appoint two members to the Commission. The terms of four of the members appointed by the Governor shall expire June 30, 1988. The terms of four of the members appointed by the Governor shall expire June 30, 1987. The terms of four of the members appointed by the Governor shall expire June 30, 1986. The terms of four of the members appointed by the Governor shall expire June 30, 1985. The terms of the members appointed by the Speaker of the North Carolina House of Representatives shall expire June 30, 1986. The terms of the members appointed by the Lieutenant Governor shall expire June 30, 1986. The initial term of office of the person appointed to represent the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1996. At the end of the respective terms of office of the initial members of the Commission, the appointment of their successors shall be for terms of four years. No member of the commission shall serve more than two consecutive terms. A member having served two consecutive terms shall be eligible for reappointment one year after the expiration of his second term. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be filled in the manner of the original appointment for the unexpired term."

—GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH

SECTION 2.20. G.S. 143B-415(a) reads as rewritten:

"(a) The Governor's Advocacy Council on Children and Youth shall consist of ~~18~~ 19 members. The composition of the Council shall be as follows: two members appointed by the President Pro Tempore of the Senate from the membership of the Senate; two members selected by the Speaker of the House of Representatives from the membership of the House of Representatives; ~~14~~–15 members appointed by the Governor.

Of the members appointed by the Governor, at least one shall come from each congressional district in accordance with G.S. 147-12(3)b.

In selecting the ~~14~~–15 members of the Council, the Governor shall select ~~10~~–11 public-spirited adult citizens who have an interest in and knowledge of children and youth, persons who work with children or representatives of organizations concerned with problems of children and youth. The remaining four members to be appointed by the Governor shall consist of two youths of each sex who are 18 years of age or under at the time of their appointments."

—BOARD OF SCIENCE AND TECHNOLOGY

SECTION 2.21. Part 27 of Article 9 of Chapter 143B, as recodified by Section 7.6 of S.L. 2001-424, reads as rewritten:

"Part 27. North Carolina Board of Science and Technology.

"**§ 143B-426.30. North Carolina Board of Science and Technology; creation; powers and duties.**

The North Carolina Board of Science and Technology of the Department of ~~Administration~~ Commerce is created. The Board has the following powers and duties:

(1) To identify, and to support and foster the identification of, important research needs of both public and private agencies, institutions and organizations in North ~~Carolina;~~Carolina that relate to the State's economic growth and development;

(2) To make recommendations concerning policies, procedures, organizational structures and financial requirements that will promote effective use of scientific and technological resources in fulfilling the research needs ~~identified;~~identified and that will promote the economic growth and development of North Carolina;

(3) To allocate funds available to the Board to support research projects, to purchase research equipment and supplies, to construct or modify research facilities, to employ consultants, and for other purposes necessary or appropriate in discharging the duties of the ~~Board.~~Board;

(4) To advise and make recommendations to the Governor, the Secretary of Commerce, and the Economic Development Board on the role of science and technology in the economic growth and development of North Carolina.

"**§ 143B-426.31. North Carolina Board of Science and Technology; membership; organization; compensation; staff services.**

(a) The North Carolina Board of Science and Technology consists of the Governor, the Secretary of Commerce, ~~the Science Advisor to the Governor,~~ and 17 members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and two members from other components of the University of North Carolina, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member from the Research Triangle Institute, nominated by the executive committee of the board of that institute; one member from the Microelectronics Center of North Carolina, nominated by the executive committee of the board of that center; one member from the North Carolina Biotechnology Center, nominated by the executive committee of the board of that center; four members from private industry in North Carolina, at least one of whom shall be a professional engineer registered pursuant to Chapter 89C of the General Statutes or a person who holds at least a bachelors degree in engineering from an accredited college or university; and two members from public agencies in North Carolina. Two members shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the

President Pro Tempore of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among members appointed by the Governor shall submit to the Governor two nominations for each position to be filled, and the persons so nominated shall represent different disciplines.

(b) Members appointed to the Board by the General Assembly shall serve for two-year terms beginning 1 July of odd-numbered years. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. The two members from public agencies shall serve for terms expiring at the end of the term of the Governor appointing them. The other 13 members appointed to the Board by the Governor shall serve for four-year terms, and until their successors are appointed and qualified. Of those 13 members, six shall serve for terms that expire on 30 June of years that follow by one year those years that are evenly divisible by four, and seven shall serve for terms that expire on 30 June of years that follow by three years those years that are evenly divisible by four. Any appointment to fill a vacancy on the Board created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) The Governor or the Governor's designee shall serve as ~~chairman~~ chair of the Board. The vice ~~chairman~~ vice-chair and the secretary of the Board shall be designated by the Governor or the Governor's designee from among the members of the Board. ~~The Science Advisor to the Governor shall serve as executive director of the Board. The Secretary of Administration or his designee shall serve as secretary to the Board.~~

(d) The Governor may remove any member of the Board from office in accordance with the provisions of G.S. 143B-16.

(e) Members of the Board who are employees of State agencies or institutions shall receive subsistence and travel allowances authorized by G.S. 138-6. Legislative members of the Board shall receive subsistence and travel allowances authorized by G.S. 120-3.1.

(f) A majority of the Board constitutes a quorum for the transaction of business.

(g) The Secretary of ~~Administration~~ Commerce shall provide all clerical and other services required by the Board."

—VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION

SECTION 2.22. Section 1 of S.L. 2001-266 reads as rewritten:

"**SECTION 1.** Upon the Virginia General Assembly's concurring action, the Virginia-North Carolina Interstate High-Speed Rail Commission is established. The North Carolina component shall consist of ~~six~~ eight members to be appointed as follows:

(1) Three members of the House of Representatives to be appointed by the Speaker of the House of ~~Representatives; and~~Representatives.

(1a) One public member appointed by the Speaker of the House of Representatives; and

(2) ~~Three~~ Four members of the Senate to be appointed by the President Pro Tempore of the ~~Senate.~~Senate, at least one of whom is a member of the North Carolina Railroad Study Committee."

—NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES

SECTION 2.23.(a) G.S. 113-77.8(a) reads as rewritten:

"(a) Expenditures from the Fund shall be authorized by a ~~nine-member~~ 12-member Board of Trustees. ~~Three~~ Four members shall be appointed by the Governor, ~~three~~ four by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and ~~three~~ four by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. Persons appointed shall be knowledgeable in the acquisition and management of natural areas. Each appointing officer shall designate one of his initial appointments to serve a two-year term, one to serve a four-year term, and one to serve a six-year term. Thereafter, all appointments shall be for six years, subject to reappointment. ~~All initial appointments shall be made on or before January 1, 1988.~~ Appointments shall expire January 1 of even-numbered years. The Governor shall appoint one Trustee to serve as Chairman of the Board. The Secretary shall provide the Trustees with staff support and meeting facilities using expenditures from the Fund. The office of Trustee is declared to be an office that may be held concurrently with any other executive or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution."

SECTION 2.23.(b) The three members of the Natural Heritage Trust Fund Board of Trustees appointed under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall be appointed on or before January 1, 2002. Notwithstanding G.S. 113-77.8(a), the member of the Natural Heritage Trust Fund Board of Trustees appointed by the Governor under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall serve an initial term of two years; the member of the Natural Heritage Trust Fund Board of Trustees appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall serve an initial term of four years; and the member of the Natural Heritage Trust Fund Board of Trustees appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall serve an initial term of six years. Thereafter, the terms of all members of the Natural Heritage Trust Fund Board of Trustees appointed under G.S. 113-77.8(a), as amended by subsection (a) of this section, shall be for six years. This section shall not be construed to affect the terms of current members of the Natural Heritage Trust Fund Board of Trustees.

SECTION 2.24. G.S. 143B-344.30 reads as rewritten:

"**§ 143B-344.32. Staff and offices.**

The Department of Environment and Natural Resources shall provide office space and staff for the State Infrastructure Council as requested by the Council. Upon the request of a chair of the State Infrastructure Council, who is also a member of the General Assembly, the Legislative Services Office shall also provide professional staff services to the Council."

PART III. EFFECTIVE DATES AND HEADINGS

SECTION 3.1. The headings to the parts and sections of this act are a convenience to the reader and are for reference only.

SECTION 3.2. Unless otherwise provided for in this act, appointments are for terms to begin July 1, 2001.

SECTION 3.3. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 571 Amendment No. _____ (to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Michaux

Sen.)

moves to amend the bill on page 11, line 30

( ) WHICH CHANGES THE TITLE

by deleting "The Governor" and substituting "~~The Governor~~ The appointing authority."; and

on page 11, line 32, by rewriting the line to read:

~~"provisions of G.S. 143B-13 of the Executive Organization Act of 1973.~~ applicable provisions of law.";

~~and on page 11, lines 30-31, by deleting "any member of the Commission" and inserting any~~

and on page 11, line 31, by inserting after "Commission" the phrase "appointed by that authority".

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. _____ DATE _____

S. B. No. 571 Amendment No. _____
(to be filled in by Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)
) Younge
Sen.)

moves to amend the bill on page 7, line 33

( ) WHICH CHANGES THE TITLE

by deleting "Robeson"

and substituting

"Scotland",

SIGNED _____

ADOPTED ✓ FAILED _____ TABLED _____

GA-33-A

PRINCIPAL CLERK'S OFFICE (FOR ENGROSSMENT)

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **Rules, Calendar and Operations of the House.**

☒ Committee Substitute for
S.B. 571 A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE VARIOUS CHANGES TO BOARDS AND COMMISSIONS.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a 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)

2/15/01

VISITOR REGISTRATION SHEET

Rules — 12:05-01

Name of Committee — Date

VISITORS:. PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R Paul Wilms	NCMBA
Jack T Rippy	Heat Assoc.
Tyja Lewis	PBA
Roz Smith	NCCCR
Emily Fulghum	Smith Anderson
DAMICO	W-Salem Journal
DWIGHT EISENHOWER	MILITARY-INDUSTRIAL COMPLEX
Easter Bunny	Sunnyvale
JB MILLIKEN	UNC
Tiss Porter	Bone & Associates
Margaret Westbrook	Koman Publishing
Jennifer Jo Bain	NCMS
Wade Rawlins	News & Observer
ERIC DYER	Greensboro News & Record
Mike Carey	McDonald & Meyer PLLC
Andie West	SEANC
[illegible]	Rep. Rabon
John Palumbo	AT&T
Steve Woodson	NCFB
Evelyn Hausmann	UNC Chapel Hill
John Nichols	Gov Office
Susie Woodson	NCCBI
Anne Wiggins	Lobby
Ruth Sappie	NCDOT
Cam Cover	BPMHC
J Ramsey	NCDOT
A Lore	DVJS

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
DECEMBER 6, 2001
1:05 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

SB 166 – LONG-TERM CARE LOCAL LEAD AGENCY

ADJOURNMENT

MINUTES OF THE COMMITTEE ON CALENDAR
AND OPERATIONS OF THE HOUSE

December 6, 2001

The Committee on Rules, Calendar and operations of the House met on December 6, 2001 at 1:05 p.m. in Room 421 of the Legislative Office Building. The following members were present: Representatives Culpepper, Chairman, Hackney, Vice Chairman; Allred, Barefoot, Barnhart, Boyd-McIntyre, Buchanan; Crawford, Culp, Gibson, Gulley, Hill, Jarrell, Justus, Luebke, McCombs, Morgan, Rogers, Setzer, Sherrill, Thompson, Yongue, and ex officio member, Cunningham.

The following bill was considered:

COMMITTEE SUBSTITUTE FOR SENATE BILL 166 – AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING. A House proposed committee substitute changing the title to AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSION TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY was offered and Representative Thompson moved that it be adopted for purpose of discussion. Without objection, the chairman so ordered. The chairman stated that Senate Bill 166 was a study bill that came to the House from the Senate before crossover. It has been held for a vehicle for the Studies Act of 2001, which is now the proposed House committee substitute. Using a document with the heading "Compare House v. Senate: Studies Bill," the chairman called attention to the underlined language in the document which he stated are studies that have been placed in the bill at the request of House members. A copy of the document is attached and made a part of these minutes. Representative Hackney moved that the proposed House committee substitute be given a favorable report, unfavorable as to the Senate committee substitute. The motion carried.

There being no further business, the meeting adjourned at 1:25 p.m.

Representative Bill Culpepper, Chairman

Dorothy C. Crocker

Dorothy C. Crocker, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S 2

SENATE BILL 166*

Children and Human Resources Committee Substitute Adopted 3/22/01

Short Title: Long-Term Care Local Lead Agency. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Health and Human Services shall study whether counties should designate local lead agencies to organize a local long-term care planning process, as described in Recommendation #10 of the Institute of Medicine's (IOM) Long-Term Care Task Force Interim Report of June 30, 2000. In conducting the study, the Department shall consider how a lead agency for long-term care planning at the local level would relate to other requirements for county planning and long-term care. The Department shall report its findings and recommendations to the North Carolina Study Commission on Aging on or before October 1, 2001. The report shall specifically address the IOM Task Force recommendation and rationale pertaining to local planning and long-term care services.

SECTION 2. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

S D

SENATE BILL 166*

Children and Human Resources Committee Substitute Adopted 3/22/01

PROPOSED HOUSE COMMITTEE SUBSTITUTE S166-PCS9385-SW-73

Short Title: The Studies Act of 2001. (Public)

Sponsors:

Referred to:

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE VARIOUS STUDY COMMITTEES AND COMMISSIONS, TO AUTHORIZE OR DIRECT STATE AGENCIES, LEGISLATIVE OVERSIGHT COMMITTEES AND COMMISSIONS TO STUDY SPECIFIED ISSUES, AND TO AMEND THE LAW REGARDING THE FURNISHING OF DATA AND INFORMATION BY STATE AGENCIES TO LEGISLATIVE COMMITTEES AND COMMISSIONS AND REGARDING INTERIM COMMITTEE ACTIVITY.

The General Assembly of North Carolina enacts:

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2001".

PART II. LEGISLATIVE RESEARCH COMMISSION

SECTION 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2001 Regular Session of the 2001 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

(1) Governmental Agency and Personnel Issues:

a. Definition of "child" in G.S. 165-20(3), the Veterans' Scholarship Program (Plyler)

b. Restructuring the Office of State Personnel (Kinnaird)

c. Establish North Carolina Portrait Gallery Commission (S.B. 1082 – Reeves)

d. Efficient location of State offices (Weinstein)

e. Early retirement for State employees and law enforcement officers (H.B. 4 – Hensley, H.B. 79 – Tucker, H.B. 1022 – Goodwin)
f. Firefighter's and rescue squad retirement issues (H.B. 1077, H.B. 1078 – Arnold)

(2) Insurance and Managed Care Issues:
a. High-risk insurance health pools (S.J.R. 159 – Ballantine)
b. Insurance availability in beach and coastal areas (S.B. 212 – Soles, Ballantine, Jordan, Wellons, Allran; H.B. 229 – Redwine, Dedmon, Hurley, Nye, Smith)
c. Moratorium on health insurance mandates (S.B. 1044 – Hoyle; H.B. 1048 – Redwine)
d. Uninsured motorist coverage (H.B. 1253 – Goodwin)
e. Motor vehicle insurers/no mandates/nonoriginal crash parts (Nesbitt; H.B. 1329 – Carpenter of Haywood, Teague, West)

(3) Environmental/Agricultural Issues:
a. Enhancing fairness in agricultural contracts (S.B. 1086 – Wellons)
b. Deposits on beverage containers (H.B. 772 – Edwards)

(4) Government Regulatory Issues:
a. Visitor safety in State parks (Rand)
b. Clear cutting and development growth management in the City of Raleigh (Reeves)
c. Safety requirements in State building code (Rand)
d. State Medical Examiner system (H.B. 648 – Earle)
e. Naturopathy (H.B. 1091 - Hill)
f. Ensuring an efficient, timely, and flexible State purchasing and procurement process decentralized to the extent possible (Cole, Crawford, Fox)
g. Establishing a State energy program and the use of alternative financing agreements to finance energy conservation projects in State facilities (H.B. 389 – Tolson)
h. Government tort claims (S.B. 743 – Miller of Wake; H.B. 384 – Nesbitt)
i. Impact of licensure and reimbursement requirements for Licensed Psychological Associates on health care and on these practitioners (Masters level psychologists) (Kinnaird, Holliman)
j. Construction contracts/retainage reform (H.B. 1224 – Nesbitt)

(5) Transportation Issues:
a. Steering and the offering of incentives with regard to motor vehicle glass repairs (Wellons; H.B. 13 – Sherrill)
b. Post-towing procedures (H.B. 1340 – Mitchell)

c. Use of cellular telephones in vehicles (H.B. 62 – McAllister, H.B. 74 – Bowie)
d. Compensation for Highway Patrol services at special events (H.B. 455 – McCombs)

(6) Criminal Laws Issues:
a. Consolidation of law enforcement agencies (Kinnaird)

(7) Election Issues:
a. Providing for a later primary date (S.B. 372 – Thomas)

(8) Consumer Issues:
a. Mandatory arbitration provisions in consumer contracts

(9) Domestic Violence Issues:
a. Child abuse and neglect in child care facilities (H.B. 456 – Hunter)
b. Confidentiality program for victims of domestic violence (H.B. 1402 – Jeffus)
c. Establishing a domestic violence fatality review team (S.B. 626 – Clodfelter; H.B. 810 – Alexander)

(10) Education-Related Issues:
a. Payment of costs incurred by constituent institutions of The University of North Carolina for municipal services, including issues related to stormwater systems, fire protection, and traffic congestion (Hackney)

(11) Civil Law:
a. Distribution of wrongful death proceeds (H.B. 400 – Haire)
b. Use of traffic control photographic systems (H.B. 536 – Ellis)

(12) Juvenile Issues:
a. Improving academic performance of juveniles in education programs for juveniles in juvenile facilities, promoting efficiencies in government to permit funds to be redirected to these education programs, and increasing school-based decision making and parental involvement in these education programs (Nesbitt, Walend)
b. Establishing procedures in the juvenile code for juveniles who lack the capacity to proceed (H.B. 138 – Baddour)
c. Juvenile commitment procedures (H.B. 277 – Haire)
d. Allowing counties to appeal certain orders in juvenile court (H.B. 1314 – Baddour)

(13) Other:
a. Economic impact of State's tourism industry (H.J.R. 419 – Warwick, McComas, Rayfield, Redwine, Smith)
b. Living income for State citizens (S.B. 1035 – Ballance; Martin of Guilford; H.B. 1104 – Alexander, Yongue, Earle, Fox)

c. Zero-based budgeting (H.B. 479 – Gulley of Mecklenburg)

SECTION 2.1A. Study of Bail Bondsmen (Harris) – The Legislative Research Commission may study the authority and regulation of bail bondsmen in this State. If it undertakes the study, the Commission shall consult with the Department of Insurance to consider the following:

(1) The current legal authority of bail bondsmen and whether that authority should be limited or restricted.

(2) The law and policies of other states in regulating bail bondsmen.

(3) Alternatives for strengthening the laws and regulations of this State in regard to regulating bail bondsmen.

(4) Any other issues the Commission considers relevant to the regulation of bail bondsmen.

SECTION 2.1B. Study of Cumberland Dam/Reservoir/State Park (S.B. 763 – Shaw of Cumberland) – (a) The Legislative Research Commission may study the feasibility and the desirability of constructing and establishing a dam and reservoir to be located on the Cape Fear River in Cumberland County for the purpose of establishing a regional public drinking water supply and authorizing the Department of Environment and Natural Resources to add the property surrounding the dam and reservoir to the State Parks System, as provided in G.S. 113-44.14(b). The Legislative Research Commission may consider whether purchasing land and developing a State park in Cumberland County and constructing and establishing a dam and reservoir on the Cape Fear River in the State park would:

(1) Significantly enhance and conserve water quality in the Cape Fear River and in the area.

(2) Further the objectives of the basinwide management plans for the Cape Fear River Basin and watershed.

(3) Promote regional integrated ecological networks insofar as they affect water quality.

(4) Preserve resources with significant recreational or economic value and uses.

(5) Add to the development of a network of riparian buffer greenways bordering the Cape Fear River in the State park that would serve environmental, educational, and recreational uses.

(b) The Legislative Research Commission may consider the following issues related to purchasing land and developing a State park in Cumberland County and constructing and establishing a dam and reservoir on the Cape Fear River in the State park:

(1) Whether the Department of Environment and Natural Resources should develop for budget and planning purposes estimates of the costs of the proposed project.

(2) Whether the Department of Environment and Natural Resources should request the North Carolina Congressional delegation to apply to

the Congress of the United States for appropriations for this water resources development project.

(3) Whether the Department of Environment and Natural Resources should apply for a grant from the Clean Water Management Trust Fund under Article 13A of Chapter 113 of the General Statutes to fund all or part of the proposed project being studied under subsection (a) of this section, including the purchase of land or other interests in property.

(4) Whether the Department of Environment and Natural Resources should use funds available for water resources development projects to assist in constructing and establishing the dam and reservoir project being studied under subsection (a) of this section.

(5) Whether the Department of Environment and Natural Resources, pursuant to G.S. 143-355(b), should conduct an engineering study and report of the proposed water resources project consisting of constructing and establishing the dam and reservoir project being studied under subsection (a) of this section.

(c) The Division of Parks and Recreation of the Department of Environment and Natural Resources shall participate in each component of the study under subsection (a) of this section and in the consideration of any issues considered by the Legislative Research Commission under this section.

SECTION 2.1C. Availability of Liability Insurance for Long-Term Care Facilities, Physicians, and Hospitals – The Legislative Research Commission may study the availability of liability insurance for long-term care facilities, physicians, and hospitals in this State. If it undertakes this study, the Commission shall consider:

(a) The factors causing and compounding reductions in underwriting capacity.

(b) The underwriting and marketing practices of insurers and producers writing liability insurance for long-term care facilities, physicians, and hospitals.

(c) Optional methods of risk management or risk sharing that may be utilized by long-term care facilities, physicians, and hospitals.

(d) The effects of diminished underwriting capacity in long-term care facility, physician, and hospital liability insurance on the State's economy.

(e) Any other related issues.

SECTION 2.1D. Tier 1 County Core and Essential Public Health Services Study (S.B. 949 – Ballance) – The Legislative Research Commission may study how to improve core and essential public health services in counties designated as Tier 1 counties. If it undertakes this study, the Commission shall determine:

(1) Whether county health departments and district health departments in Tier 1 counties can coordinate the delivery of core and essential public health services through the establishment of a State-funded regional public health improvement demonstration project.

(2) How to improve local public health departments' community health assessment functions.
(3) How to improve the capability of local public health departments and local boards of health to impact community health issues.
(4) How to ensure that needed quality health services are available and accessible to all residents.

SECTION 2.1E. State Personnel System (Baddour, Coates, Gibson, Russell, Underhill) – The Legislative Research Commission may study the State's overall system of personnel administration, including the following:
(1) The funding and staffing of the Office of State Personnel.
(2) The Comprehensive Compensation System for State employees.
(3) State employee performance evaluation practices and procedures.
(4) Whether provisions of the State Personnel Act, Chapter 126 of the General Statutes, should be revised based upon modern human resources practices.
(5) Any other matters relative to the policies, practices, terms, and condition of State government employment.

SECTION 2.1F. Bioterrorism Preparedness (Gibson, Wright) – The Legislative Research Commission may study the ability of the State to respond in instances of suspected bioterrorism, including the ability of the State to provide laboratory and epidemiological support when bioterrorism is suspected or when there is a question of food supply safety and security.

SECTION 2.1G. Employment Security (Redwine) – The Legislative Research Commission may study issues relating to the State's Employment Security Law, Chapter 96 of the General Statutes, with an emphasis on the unemployment insurance tax. The Legislative Research Commission is encouraged to appoint members of the public, including representatives of the employers and employees, as well as legislators to participate in the study. The study may include the following issues:
(1) Changes in the North Carolina economy and job market and their effect on the balance of the State Unemployment Insurance Trust Fund.
(2) What minimum and maximum balances would be most reasonable for the Fund to assure that it will be adequate but not excessive.
(3) Recommendations from the Employment Security Commission, including specifically the appropriate low balance for the State Unemployment Trust Fund.
(4) The average duration of unemployment in the State and its impact on the appropriate tax rate and balance of the Trust Fund.
(5) The current reserve of the Employment Security Commission Reserve Fund created under G.S. 96-59(f), and the proper use of that reserve.

(6) The State Unemployment Insurance Tax base rate, options for adjusting the rate, and the effect on Trust Fund revenue resulting from the various options available to adjust the rate.

SECTION 2.1H. Funding Mechanisms for Agriculture Operations Conversion (Hackney) – The Legislative Research Commission may study potential funding mechanisms to facilitate the conversion of agriculture operations in this State to environmentally superior management systems.

SECTION 2.2. Committee Membership. – For each Legislative Research Commission committee created during the 2001-2003 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

SECTION 2.3. Reporting Date. – For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or the 2003 General Assembly.

SECTION 2.4. Funding. – From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART III. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT COMMITTEE (Lee, Gulley of Durham, Hackney)

SECTION 3.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 12N.

"Joint Legislative Growth Strategies Oversight Committee.

"**§ 120-70.120. Creation and membership of Joint Legislative Growth Strategies Oversight Committee.**

The Joint Legislative Growth Strategies Oversight Committee is established. The Committee consists of 12 members as follows:

(1) Six members of the Senate appointed by the President Pro Tempore of the Senate; and

(2) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2003 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment.

"**§ 120-70.121. Purpose and powers of Committee.**

(a) The Joint Legislative Growth Strategies Oversight Committee shall examine, on a continuing basis, growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote comprehensive and coordinated local, regional, and State growth planning and public investment, taking into consideration regional differences within the State. In this examination, the Committee may:

(1) Study the recommendations of the Commission to Address Smart Growth, Growth Management, and Development Issues established pursuant to S.L. 1999-237, Section 16.7, and determine what legislation is necessary and desirable to effectuate those recommendations;

(2) Consider strategies that help communities and regions maximize the benefits of growth by developing transportation choices, protecting natural and cultural resources, enhancing the vitality of downtowns and existing neighborhoods, removing barriers to affordable housing and preserving housing choice while preserving a viable economic climate and industry, and building greater regional cooperation on development issues;

(3) Analyze legislation from other states regarding local, regional, and State planning and growth management;

(4) Assess the viability of a comprehensive statewide growth policy;

(5) Determine how to increase the full range of affordable housing opportunities for low- and moderate-income North Carolinians;

(6) Study the fiscal relationship between State agencies and the communities in which they are located. This study may:

a. Analyze the direct and indirect economic and financial benefits and relative burdens and costs of the presence of a State agency in a community to a local government.

b. Consistent with Article V, Section 2 of the North Carolina Constitution, which exempts State property from taxation, examine the unfunded costs associated with the expansion of a State agency in a community and recommend who should assume responsibility for those costs and the appropriate funding sources.

c. Discuss the requirements local governments seek to impose on State agencies and determine whether those requirements should be applied, or applied differently, to State agencies; and

(7) Study any other matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report

to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-70.122. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Growth Strategies Oversight Committee. The Committee shall meet upon the joint call of the Strategies cochairs.

(b) A quorum of the Committee is seven members. Only recommendations, including proposed legislation, receiving at least six affirmative votes may be included in a Committee report to the General Assembly. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) The cochairs of the Committee may call upon other knowledgeable persons or experts to assist the Committee in its work.

(d) Members of the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

SECTION 3.2. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Committee.

SECTION 3.3. This Part becomes effective January 15, 2002, and expires January 16, 2005. Prior to its expiration on January 16, 2005, the Committee shall report to the General Assembly on its activities conducted pursuant to this Part.

PART IV. LEGISLATIVE ALCOHOLIC BEVERAGE CONTROL STUDY COMMISSION (Lee)

SECTION 4.1. Commission Established. – There is established a Legislative Alcoholic Beverage Control Study Commission.

SECTION 4.2. Membership. – The Commission shall be composed of 13 members as follows:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Three members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members of the public appointed by the Governor, none of whom shall be State officials, and two of whom shall have expertise in Alcoholic Beverage Control matters.

(4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall be a municipal-elected official, and one of whom shall have experience in business and Alcoholic Beverage Control matters.

(5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be an elected county official, and one of whom shall have experience in business and Alcoholic Beverage Control matters.

SECTION 4.3. Chairman of the Alcoholic Beverage Control Commission. – The Study Commission shall invite the Chairman of the Alcoholic Beverage Control Commission to attend each meeting of the Study Commission and encourage his participation in the Study Commission's deliberations.

SECTION 4.4. Duties of Commission. – The Commission shall study the following matters related to Alcoholic Beverage Control:

(1) Benefits and costs of "control" and "license" systems, as implemented in other states, or privatization of alcoholic beverage control, with particular focus on which type of system is more efficient.

(2) Aspects of organization, structure, and function of the North Carolina ABC Commission and local alcoholic beverage control systems. – Including statutory authority, policy-making and regulatory functions, price-setting functions, distribution functions, purchasing, budget, staffing, capital assets, and other fiscal and financial matters.

(3) Schedule, collection, and distribution of alcohol-related taxes and fees. – Including the taxes and fees currently applicable and not applicable to the sale of alcoholic beverages.

(4) Possible efficiency enhancements to the ABC system. – Including effects on the price paid by the consumer, the costs of distribution, regulatory costs, tax collection costs, and distribution of revenue to the State and local governments.

(5) Other Alcoholic Beverage Control issues. – Including location and zoning of retail stores, liquor advertising, effects of price on alcohol consumption, uniformity throughout the State of alcoholic beverage availability and sales, and direct purchase of alcoholic beverages from out-of-state wholesalers.

(6) List not exclusive. – The Commission may study any other Alcoholic Beverage Control-related issues approved by the cochairs or recommended by the Chairman of the Alcoholic Beverage Control Commission and approved by the cochairs.

SECTION 4.5. Vacancies. – A vacancy shall be filled by the officer who made the original appointment.

SECTION 4.6. Cochairs. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall designate cochairs of the

Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be seven members.

SECTION 4.7. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 4.8. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses related to the clerical employees shall be borne by the Commission.

SECTION 4.9. Consultants. – The Commission may employ consultants to assist with the study as provided in G.S. 120-32.02. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 4.10. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 4.11. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building.

SECTION 4.12. Report. – The Commission shall submit an interim report to the Joint Legislative Commission on Governmental Operations, to the Cochairs of the House and Senate Appropriations Committees, to the Cochairs of the House and Senate Appropriations Subcommittees on Natural and Economic Resources, and to the Fiscal Research Division on or before April 15, 2002. The Commission shall submit a final report to the recipients of the interim report on or before March 1, 2003. Upon the earlier of the filing of its final report or March 1, 2003, the Commission shall terminate.

SECTION 4.13. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART V. DOT STUDY OF PIEDMONT AREA COMMUTER RAIL LINE ACQUISITION (Garrou)

SECTION 5.1. The Department of Transportation Rail Division shall study the feasibility of acquiring rail lines or usage rights on rail lines in Forsyth County, Guilford County, and neighboring counties for commuter rail service operated by the Piedmont Authority for Regional Transportation. The Department shall consult with the Authority in conducting its study. The Department shall report its findings and

recommendations to the Joint Legislative Transportation Oversight Committee by May 1, 2002.

PART VI. COMMISSION ON POSITIVE RACIAL, ETHNIC, AND FAITH RELATIONS (MARTIN OF GUILFORD)

SECTION 6.1. The Commission on Positive Racial, Ethnic, and Faith Relations is created. The purpose of the Commission is to examine and understand the factors and beliefs that influence the formation of damaging attitudes and intolerance towards persons based on race, ethnicity, and faith and to seek ideas for changing false perceptions and building tolerance and acceptance.

SECTION 6.2. The Commission shall consist of 22 members as follows:

(1) Nine members appointed by the President Pro Tempore of the Senate, as follows:
   a. Five members of the Senate;
   b. Four members from the public.

(2) Nine members appointed by the Speaker of the House of Representatives, as follows:
   a. Five members of the House of Representatives;
   b. Four members from the public.

(3) Four members appointed by the Governor, none of whom shall be members of the General Assembly.

SECTION 6.3. The President Pro Tempore of the Senate shall designate one senator as cochair, and the Speaker of the House of Representatives shall designate one representative as cochair. Vacancies on the Commission shall be filled by the officer who made the initial appointment. The Commission shall terminate the earlier of the delivery of its final report or December 1, 2002.

SECTION 6.4. The Commission, while in the discharge of official duties, may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 6.5. The Commission shall have the following powers and duties:

(1) To identify policies and practices within State government that countenance, sanction, or foster negative attitudes and perceptions of, and actions towards, persons based on their race, ethnicity, and faith.

(2) To make recommendations for actions State government can take to eliminate and prevent policies and practices that tend to foster fear and intolerance based on race, ethnicity, and faith, and that have a negative impact upon the citizens and residents of North Carolina.

(3) To consider the extent to which, and how, State government should attempt to become involved in changing perceptions, attitudes, and behaviors of individuals and institutions in ways that foster greater acceptance and tolerance of racial, ethnic, and faith differences among its citizens and residents.

(4) To identify strategies for creating better cooperation between State government and non-State institutions and systems to eliminate negative perceptions, attitudes, and behaviors based on racial, ethnic, and faith differences.

(5) To identify policies and practices within State government and non-State institutions and systems that have a positive impact on racial, ethnic, and faith relations and make recommendations for enhancing and expanding upon those policies and practices.

SECTION 6.6. The Commission on Positive Racial, Ethnic, and Religious Relations shall submit an interim report to the General Assembly not later than the convening of the 2002 Regular Session of the 2001 General Assembly. The Commission on Positive Racial, Ethnic, and Religious Relations shall submit a final report to the General Assembly December 1, 2002.

SECTION 6.7. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART VII. INCEST PENALTY STUDY (Metcalf; H.B. 1276 – Nesbitt)

SECTION 7.1. The North Carolina Sentencing and Policy Advisory Commission may study the current punishments for violations of G.S. 14-178 and G.S. 14-179 to determine whether those punishments are consistent with other punishments for sex offenses. The Commission may also study the incest statutes' application to acts between related minors.

SECTION 7.2. The Commission may report its findings and recommendations, including any proposed legislation, to the General Assembly prior to the convening of the 2002 Regular Session of the 2001 General Assembly.

PART VIII. JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES

SECTION 8.1. The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 8.2. Residential Charter Schools (Lee) - The Joint Legislative Education Oversight Committee may study whether the State should authorize and fund

residential charter schools. As part of this study, the Committee shall consider what portion, if any, of the residential costs should be borne by the State, and whether nonresident students should be required to pay tuition.

SECTION 8.3.(a) School Health Curriculum (S.B. 515 - Lucas) - The Committee may establish a special subcommittee to study the State's school health curriculum, particularly as it relates to preventing the spread of sexually transmitted diseases among adolescents. The cochairs of the Committee shall appoint the members of this special subcommittee. In addition to members from the Committee, the cochairs may appoint other members to the subcommittee from among the following categories of individuals who are not members of the General Assembly:

(1) An education or health specialist from the Institute of Government
(2) A physician with expertise in adolescent health
(3) A physician who is an expert in infectious diseases, particularly HIV
(4) A health educator
(5) An obstetrician/gynecologist
(6) A school nurse
(7) A school guidance counselor
(8) A behavioral psychologist who specializes in adolescent behavior

SECTION 8.3.(b) If the study set forth in this section is undertaken, the subcommittee shall consider the following:

(1) The sufficiency of the health curriculum, particularly in light of recent trends in sexually transmitted diseases, including HIV and trends in sexual activity and sexually transmitted diseases by age and sex;
(2) Whether the health education curriculum provides age-appropriate information and promotes responsible behavior;
(3) The implementation of the health education curriculum statewide and identify local problems and concerns and whether any barriers exist that may impede the curriculum's implementation.

SECTION 8.3.(c) If the study set forth in this section is undertaken, the subcommittee shall report its findings and recommendations to the Committee by January 1, 2003, whereupon the subcommittee shall terminate.

SECTION 8.4. Halifax Community College Service Area (Ballance) – The Joint Legislative Education Oversight Committee may study whether additional townships in Northampton County should be included in the Halifax Community College service area. If this study is undertaken, the Committee shall consider the availability of satellite campus facilities and other services in Jackson, as well as the impact this change would have on Roanoke-Chowan Community College. At the same time it reports its findings and recommendations to the General Assembly, the Committee shall report its findings and recommendations to the State Board of Community Colleges.

SECTION 8.5. Teaching Personal Financial Literacy in Schools (S.B. 744 – Hagan, Bingham) – The Committee may study the issue of teaching personal financial literacy in the public schools and shall consider the following issues in its study:

(1) The best methods of equipping students with the knowledge and skills they need, before they become self-supporting, to make critical decisions regarding their personal finances.

(2) The components of a personal financial literacy curriculum, including topics such as consumer financial education, personal finance, and personal credit.

(3) The appropriate materials and guidelines for local boards of education to use in implementing a program of instruction on personal financial literacy.

(4) Methods of funding for local boards of education, including information on securing public and private grant funds and on using other public and private assets, to implement the instructional program.

SECTION 8.6. Classroom Experience for School Personnel (S.B. 586 – Hartsell) – The Committee may study whether professional employees of schools who do not have daily classroom instructional contact with students should be required to deliver instruction or to have other contact with students in classrooms during the instructional day.

SECTION 8.7. Schoolwork of Suspended Students (Kinnaird) – The Committee may study the development of standards for the acceptance by public schools of schoolwork performed by suspended students at Day Reporting Centers and other alternative schools.

SECTION 8.8. Nutrition in Public Schools (S.B. 725 – Kinnaird; H.B. 650 – Howard) – The Committee may study the public health issues related to elementary and secondary students consuming foods of minimal nutritional value and whether and to what extent those foods should be made available to students in public schools.

SECTION 8.9. Tuition Rates for Noncitizen Immigrant Students (S.B. 812 – Martin of Guilford) – The Committee may study State law pertaining to tuition rates for noncitizen immigrant students and consider the feasibility of extending in-State tuition status to those students. In addition to members from the Committee, the co-chairs may appoint other members from among the following categories of individuals who are not members of the General Assembly to assist the Committee in this study:

(1) Experts in immigration law and advocacy.

(2) Advocates for noncitizen students versed in education and immigration issues.

(3) Representatives of organizations for refugee and immigrant populations.

(4) Advisors for immigrant students at The University of North Carolina.

(5) Advocates or leaders from the noncitizen immigrant community.

SECTION 8.10. Science, Mathematics, and Technology Education (Lee; H.B. 1338 – Boyd-McIntyre) – The Committee may study ways to improve science, mathematics, and technology education and student achievement, implement the State's vision of having the best public schools in the nation by 2010, prepare students for future science, mathematics, and technology learning and jobs, and improve support to the School of Science and Mathematics.

SECTION 8.11. Health Care Personnel Education – The Committee may study ways to address the current and projected critical shortage of health care personnel and how the educational system can assist in the development of an adequate supply of appropriately trained health care personnel. Any Committee report on this issue shall be provided to the Joint Legislative Health Care Oversight Committee. Regardless of whether the Committee undertakes this study, on or before March 1, 2002, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, and the Department of Public Instruction shall submit a report to the Committee and to the Joint Legislative Health Care Oversight Committee outlining existing and future plans to address this issue, including obstacles to realizing those plans, additional plans that could be developed should additional resources be made available, numbers of current and projected students enrolled in and expected to complete health care training programs, where students become employed upon completion of the health care training programs, and any reductions in funding to programs designed to train or retain health care personnel.

SECTION 8.12. Community Colleges (Rand, Preston, Yongue) – The Committee may study the effects of requiring nine-month contracts of all full-time community college faculties. If undertaken, the study shall include a determination of the value of nine-month contracts in making national salary comparisons, the additional administrative requirements that result from nine-month contracts, the feasibility of permitting the North Carolina Community Colleges System to carry forward encumbered contract funds to a subsequent fiscal year, and the length of contract as it relates to faculty discipline.

In addition, the Committee may study the relationship between fully funding summer term instruction and moving full-time community college faculty and professional staff toward their respective national average salaries.

The Committee may also study the need for additional student services positions in the North Carolina Community Colleges System based upon changing demographics among the student population, including the need for additional counselors, financial aid specialists, special population specialists, advisors, testing and job placement specialists.

SECTION 8.13. The Prescription of Ritalin and Other Drugs to Children Diagnosed ADD/ADHD (S.J.R. 1074 – Rucho) – The Committee may study the procedure to identify amphetamine/stimulant drugs, (for example Ritalin and Adderal) based upon "Attention Deficit Disorder" (ADD) and "Attention Deficit Hyperactivity Disorder" (ADHD) in diagnosed children.

SECTION 8.14 . Review of Low-Wealth School Funding Formula (H.B. 230 – Gillespie) – The Committee may study the funding formula used to provide supplemental funds to schools in low-wealth counties.

SECTION 8.15. Meeting the Needs of Students with Disabilities (S.B. 98 – Dannelly; H.B. 248 – Boyd-McIntyre, McLawhorn) – The Committee may study issues relating to the education of students with disabilities.

SECTION 8.16. High Priority School Assistance (S.B. 1076 – Lee; H.B. 1018 – Yongue, Arnold, Rogers, Warner, Bonner) – The Committee may study ways to assist any continually low-performing schools.

SECTION 8.17. Performance-Based Licensure Program (H.B. 1256 – McLawhorn, Underhill) – The Committee may study the implementation of and the timetable for the Performance-Based Licensure Program for initially licensed teachers.

SECTION 8.18. Advisory State Board of Education Members (S.B. 394 – Miller) – The Committee may study the issue of changing the advisory membership of the State Board of Education.

SECTION 8.19. Speech and Language Pathology Caseloads and Severity Rating Scales (Yongue) – The Committee may study the implementation of caseload limits for speech and language pathologists who are serving State-identified speech and language-impaired children. The Committee may also study the implementation of a severity rating scale for speech and language-impaired children.

SECTION 8.20. Participation of Nonpublic Students in Public School Extracurricular Activities (H.B. 823 – Decker) – The Committee may study the participation of nonpublic school students and home school students in extracurricular activities at public schools.

SECTION 8.21. Higher Education Residency Requirements (H.B. 1279 – Allred) – The Committee may study the current requirements to qualify as a North Carolina resident for tuition purposes.

PART IX. REVENUE LAWS STUDY COMMITTEE

SECTION 9.1. The Revenue Laws Study Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 9.2. Compliance With Tax Laws - The Committee may study proposals for improving compliance with State tax laws. The study shall include an evaluation of how existing data may be used to identify businesses that underreport income or sales, retailers that misuse certificates of resale, and taxpayers that use other methods to avoid complying with the tax laws.

SECTION 9.3. Travel and Tourism Capital Incentive Grants (S.B. 1050 – Metcalf) – The Committee may study whether a travel and tourism capital incentive grant program should be established.

SECTION 9.4. Credit Card Solicitation (S.B. 800 – Bingham, Warren, Weinstein) – The Committee may study the issue of credit card solicitation in this State.

SECTION 9.5. Apportionment Formula (H.B. 1231 – Hensley) – The Committee may study the formula used to apportion the income of multistate corporations to this State, including the elimination of the double-weighted sales factor.

PART X. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE

SECTION 10.1. The Joint Legislative Health Care Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 10.2. Medical Services to Persons With Disabilities (S.B. 766 – Carpenter of Macon, Lucas) – The Committee may study the delivery of medical services to persons with disabilities.

SECTION 10.3. Prescription Drugs (Kinnaird, Purcell) – The Committee may study the following issues relating to prescription drugs:

(1) The increasing cost of prescription drugs and approaches to controlling these costs effectively.

(2) The impact of the increasing cost of prescription drugs on the State Medical Assistance program and other programs administered by the State that are directly or indirectly affected by the increasing costs of prescription drugs and possible approaches to reducing these costs.

(3) The impact of increasing costs and the high utilization of prescription drugs by seniors and the disabled, the resulting decline in access to prescription drugs by seniors and the disabled, and approaches the State may adopt to make drug coverage more accessible and affordable to seniors and the disabled.

(4) Ways to improve the health of elderly and disabled persons through reviewing their prescription drug regimens, identifying possible conflicting drugs, offering education and counseling in the use of drugs, and proposing affordable substitutes.

(5) Ways to facilitate and enhance assessment of drug regimens by qualified persons so that individual consent is obtained and privacy protected.

(6) Ways to fund reasonable costs associated with assessment, management, and counseling services.

(7) How to maximize federal support for enhancing access and management assistance to elderly and disabled persons who are not currently eligible for Medicaid or receiving prescription drug coverage under Medicare or other health insurance.

(8) How to establish public/private partnerships via cooperative agreements between and among hospitals, health care providers, and pharmacists, statewide and at the community level, to enhance access and provide assessment, management, and counseling services.

(9) How to ensure that pharmacy services are available in rural areas where there are few retail pharmacies.

(10) A cost-benefit analysis for providing assessment, management, and care management services for eligible elderly and disabled persons.

(11) Where programs to improve access and management assistance could be most effectively located, such as pharmacies, community organizations, or other appropriate locations.

(12) Ways of educating and counseling elderly and disabled persons on preventive health care measures.

SECTION 10.4. County Share of the Cost of Medicaid (Rand; H.B. 1251 - Goodwin) – The Committee may study the county share of the cost of Medicaid, including the benefits, legal implications and respective services costs of the Medicaid program, and the associated costs implications and capability by counties to generate sufficient revenue. Any findings as a result of this study shall include strategies and recommendations targeted to eliminating or equalizing county costs and lessening the State's fiscal burden.

SECTION 10.5. Long-Term Care Aide Workforce Issues (S.B. 180 – Purcell; H.B. 244 – Earle) – The Committee may study workforce issues pertaining to the long-term care aide workforce.

PART XI. UNDERAGE DRINKING STUDY COMMISSION (S.B. 821 – Rand; H.B. 1275 – Alexander, Goodwin)

SECTION 11.1. Commission Established. – There is established an Underage Drinking Study Commission.

SECTION 11.2. Membership. – The Commission shall be composed of 15 members as follows:

(1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Four members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members appointed by the Governor, two of whom shall be representatives of the law enforcement community, and one of whom shall be a representative of the business community.

(4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall have expertise in juvenile alcohol and drug abuse and addiction, and one of whom shall be a representative of the primary or secondary education community.

(5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be familiar with how underage persons actually obtain alcoholic beverages, and one of whom shall be a representative of the primary or secondary education community.

SECTION 11.3. Secretaries of Health and Human Services, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention. – The Commission

shall invite the Secretary of Health and Human Services, the Secretary of Crime Control and Public Safety, and the Secretary of Juvenile Justice and Delinquency Prevention to attend each meeting of the Commission and encourage their participation in the Commission's deliberations.

SECTION 11.4. Duties of Commission. – The Commission shall study the following matters related to alcohol consumption by persons under the age of 21:

(1) Commercial availability. – The Commission shall review the laws regulating the sale and consumption by persons under the age of 21; types and locations of commercial outlets that are likely sites for youth purchases; serving and selling practices that reduce the likelihood of illegal sales, including server/seller licensing, minimum age to sell or serve alcohol, and minimum age to enter bars; comprehensive compliance check enforcement programs; controls on price and promotion of alcohol to discourage underage consumption; and appropriate administrative, criminal, and civil penalties for violating commercial availability statutes.

(2) Social and public availability. – The Commission shall review the noncommercial sources of alcohol available to persons under the age of 21, including kegs, third-party sales for underage persons, teen parties, off-campus parties, and public places; methods of reducing noncommercial settings for youth consumption; and appropriate administrative, criminal, and civil penalties for violating noncommercial availability statutes.

(3) Restricting youth possession. – The Commission shall review restrictions on possession of alcohol by persons under the age of 21; false identification statutes; and appropriate administrative, criminal, and civil penalties for youth offenders that deter underage consumption behavior.

(4) Other underage alcohol consumption issues. – The Commission may study any other underage drinking-related issue approved by the cochairs or recommended by either the Secretary of Health and Human Services, the Secretary of Crime Control and Public Safety, or the Secretary of Juvenile Justice and Delinquency Prevention and approved by the cochairs.

(5) The Commission shall evaluate current laws related to the aforementioned areas, specifically as to whether the laws address high-risk settings or activities that are associated with serious harm, deter unwanted behavior, and are efficiently and effectively enforced. The Commission shall recommend changes to reduce the access and availability of alcohol to persons under the age of 21 and to deter adults from providing alcohol to underage persons.

SECTION 11.5. Vacancies. – Any vacancy on the Commission shall be filled by the appointing authority.

SECTION 11.6. Cochairs. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be eight members.

SECTION 11.7. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 11.8. Staff. – Upon the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to the Commission to aid its work.

SECTION 11.9. Consultants. – The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 11.10. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 11.11. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building.

SECTION 11.12. Report. – The Commission shall submit an interim report to the Joint Legislative Commission on Governmental Operations on or before May 1, 2002. The Commission shall submit a final report to the Joint Legislative Commission on Governmental Operations by December 1, 2002. Upon the filing of its final report or on December 1, 2002, whichever occurs earlier, the Commission shall terminate.

SECTION 11.13. Funding. – From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XII. JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY STUDY (S.B. 991 – Rand, Reeves; H.B. 1101 – Baddour)

SECTION 12.1. The Joint Select Committee on Information Technology may study issues related to personal privacy and security in electronic commerce. If it undertakes this study, the Committee shall examine issues related to protections for personal privacy and security, including the following:

(1) Privacy protection and security of nonpublic personal financial information.

(2) Privacy protection and security of personal consumer information.
(3) Privacy protection and security of personal information collected on students by or through schools and their contractors.
(4) Privacy protection and security of Internet use and use of electronic messaging.
(5) Privacy protections and security for children online.
(6) Privacy protection and security of medical records and personal health information.
(7) Privacy protection and security of personal insurance information.
(8) Privacy protection and security of personal information collected by the State.
(9) Privacy protection and security of credit card numbers on credit card receipts.
(10) Adequacy of the State's computer "hacking" laws.
(11) The potential interplay between federal security proposals and personal privacy considerations.

SECTION 12.2. The Committee may report to the 2002 Regular Session of the 2001 General Assembly or to the 2003 General Assembly on its findings and may make any legislative recommendations it considers appropriate.

PART XIII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES

SECTION 13.1. The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 13.2. Commission Contract Agent Study (S.B. 27 – Hoyle; H.B. 21 – Barbee, Sutton). – The Committee may study the following:

(1) Review the history and policies that led to the enactment of G.S. 20-63(h) providing for contracts for the issuance of registration plates and certificates.
(2) Study the current implementation and consequences of the provisions of G.S. 20-63(h).
(3) Study how registration plates and certificates are issued in other states.
(4) Study the implications and potential effects on the contract agents of the authority of the Division of Motor Vehicles to use electronic applications and collections authorized in G.S. 20-63(i).
(5) Study any other factors it deems relevant related to the use of contract agents for the issuance of registration plates and certificates.
(6) Make findings and recommendations on improving the services related to the issuance of registration plates and certificates to the citizens of North Carolina while reducing the costs to the State.

SECTION 13.3. Improving Compliance With Vehicle Registration Requirements (Rand) – The Committee may study methods to improve compliance with vehicle registration requirements. If it undertakes this study, the Committee shall:

(1) Review requirements in other states for reissuing license plates;

(2) Compare the cost of reissuing license plates in other states with the additional revenues raised from reissuing license plates;

(3) Determine the cost of reissuing license plates in this State;

(4) Examine the potential to increase revenues by reissuing license plates in this State; and

(5) Review methods for adopting license plate design and alternatives to the current method of adopting license plate designs.

SECTION 13.4. Substandard Subdivision Roads (H.B. 601 – Brubaker) – The Committee may study subdivision roads that do not meet the standards for acceptance onto the State highway system to determine the cost for the Department of Transportation to minimally upgrade and maintain those roads.

SECTION 13.5. Transportation Funding Equity (H.B. 945 – Barnhart) – The Committee may study matters related to transportation funding, including The Highway Trust Fund Act of 1989, current planning and funding procedures, transportation system maintenance, public transportation, Highway Fund transfers, and transportation spending.

PART XIV. ENVIRONMENTAL REVIEW COMMISSION STUDIES

SECTION 14.1. The Environmental Review Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 14.2. Appointment of Local Health Directors (S.B. 1033 – Albertson) The Commission, in consultation with the Public Health Study Commission, may study issues related to the appointment of local health directors. The Environmental Review Commission may specifically examine the relationships among local health directors, local boards of health, and boards of county commissioners in the appointment and evaluation of local health directors. The Environmental Review Commission may also examine the benefits of expanding to the boards of county commissioners of all 100 counties the authority of certain boards of county commissioners under G.S. 153A-77.

SECTION 14.3. Expanding Land and Water Conservation Options in North Carolina (Albertson, Lucas, Odom) – The Commission may study strategies to attain the State's goal of preserving a million acres of open space over the next 10 years, and the long-term protection and restoration of water quality. If it undertakes this study, the Commission shall consider:

(1) The expansion of existing State and local incentives that will encourage private stewardship and conservation of farmland,

forestland, riparian buffers, wetlands, natural areas, historic sites, open spaces, and waters.

(2) Additional State and local incentives that will encourage private stewardship and conservation of land and water.

(3) The adequacy of and existing coordination among the Natural Heritage Trust Fund, Parks and Recreation Trust Fund, Farmland Preservation Trust Fund, and the Clean Water Management Trust Fund in protecting water quality, preserving the natural and cultural heritage of the State, and preserving farmland and open space.

(4) State and local alternatives for financing options to achieve the State's goal of preserving a million acres of open space, and the goals of the Natural Heritage Trust Fund, Parks and Recreation Trust Fund, Farmland Preservation Trust Fund, and the Clean Water Management Trust Fund.

SECTION 14.4. Interconnection of Public Water Systems (S.B. 1019 – Hartsell) – The Commission may study requiring the interconnection of public water systems or wastewater systems to regional systems and requiring that reasonable alternatives be reviewed before constructing or altering a public water system. If it undertakes this study, the Commission shall consult with the Commission to Address Smart Growth, Growth Management, and Development Issues.

SECTION 14.5. Stormwater Programs and Policies (Reeves) – The Commission may study the programs, policies, and strategies necessary to attain the State's goal of preventing environmental degradation of the State's water and groundwater resources, particularly due to stormwater impacts. If it undertakes this study, the Commission shall:

(1) Survey the State's waters located in developed areas to identify the threat, if any, posed to those waters by sedimentation and erosion resulting from construction and other land-disturbing activities.

(2) Determine the appropriate role of local governments in reducing surface runoff of waters and erosion of soil to waters of the State.

(3) Survey the State's waters located in undeveloped areas for the purpose of developing a hydrographic baseline for those areas in order to establish stormwater standards for undeveloped areas that preserve the predevelopment hydrography of the area to the extent it is scientifically and economically feasible.

(4) Determine how the General Assembly can better support the work of the Sedimentation Control Commission.

(5) Study the current mandatory standards for land-disturbing activities and determine if any changes need to be made to those standards.

(6) Consider other existing water quality rules, programs, plans, and permits.

(7) Study other topics related to the State's stormwater programs and policies it considers appropriate.

SECTION 14.6. Abandoned Mobile Homes (Harris) – The Commission may study the solid waste issues related to the abandonment and improper disposal of mobile homes. In conducting this study, the Commission should develop an estimate of the number of abandoned mobile homes in the State, identify the adverse environmental and public health impacts that result from failure to properly dispose of mobile homes, and identify the preferred means of disposal of mobile homes, including environmentally friendly disposal methods such as recycling. The Commission may also evaluate the means by which the State and local governments can discourage or prevent the abandonment and improper disposal of mobile homes in the State and facilitate the environmentally friendly disposal of mobile homes.

SECTION 14.7. Alternative Energy Sources (S.B. 1007 – Albertson; H.B. 1300 – Warwick; Weiss) – The Commission may study the availability and use of alternative energy sources in North Carolina, including the use of biomass resources. If it undertakes this study, the Commission shall gather data and other information as may be necessary to accomplish the purposes of the Commission and shall work cooperatively with other boards, commissions, and entities, taking advantage of their resources and activities for the provision of useful information and insight. In the course of its study, the Commission may seek input and advice from the Utilities Commission, the Department of Environment and Natural Resources, the Department of Agriculture and Consumer Services, the Attorney General, the Public Staff of the Utilities Commission, and the Energy Policy Council of the Department of Administration. The Commission may also review alternative energy activities conducted in other states and may solicit the participation of appropriate federal agencies and foreign governments.

In the course of its study and in making its recommendations, the Commission may consider the following subjects:

(1) Methods to encourage the use of alternative energy sources, such as tax incentives, alternative energy portfolio standards, system benefit programs, and product offerings to retail electricity customers.

(2) Barriers to distribution and market entry for alternative energy generators.

(3) Federal and State regulatory jurisdiction with respect to electric utilities, including potential conflicts and ways to address those conflicts.

(4) Environmental benefits and impacts associated with alternative energy generation.

(5) Assurance of fairness and equity among all electricity customer classes and electric power providers.

(6) Potential benefits to rural areas of the State and to agricultural economic development.

(7) Sources of funds that could be used to encourage the use of alternative energy sources.

(8) Other relevant and appropriate subjects, as determined by the Commission.

PART XV. COMMISSION ON GOVERNMENTAL OPERATIONS STUDY (Kinnaird)

SECTION 15.1. The Joint Legislative Commission on Governmental Operations may study reducing government costs by duplex printing, eliminating unnecessary printing, centralizing printing where possible, taking advantage of current print and mail facilities, streamlining print processes, and creating a statewide print and delivery strategy to eliminate redundant printing and delivery. The Commission may report its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

PART XVI. STUDY OF CATAWBA-WATEREE RIVER BASIN WATER QUALITY AND WATER SUPPLY ISSUES (Clodfelter, Odom)

SECTION 16.1. The Secretary of the Department of Environment and Natural Resources, in cooperation with the Director of the South Carolina Department of Health and Environmental Control, shall study strategies and mechanisms to promote better coordination of the activities of the two states on water quality and water supply within the Catawba-Wateree River basin. This study may include the following topics:

(1) The need for and development of a memorandum of agreement between North and South Carolina to ensure cooperation, coordination and integrated management in addressing issues related to the basin, all within the framework of currently existing programs and agencies of the two states.

(2) The development of a shared model and common procedures for use by both states in collecting and reporting data and information concerning water quality and water supply within the entire basin.

(3) The desirability and feasibility of establishing joint, basinwide goals, policies, planning and implementation tools, and the desirability of different types of decision-making structures for accomplishing the joint activities.

(4) Any other related topics.

The Secretary shall submit a report on the results of this study, including any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly.

PART XVII. STATE BUSINESS INFRASTRUCTURE STUDY (Reeves, Tolson)

SECTION 17.1. The Office of State Controller, with assistance from the Office of State Budget and Management, the Office of Information Technology Services, and the Office of State Personnel, shall engage a qualified consulting firm through the Information Technology Services Technical Services Contract to determine the feasibility of developing and implementing a new financial business infrastructure for the State. This study shall include:

(1) A high-level inventory and assessment of the business systems and subsystems that provide financial, human resources, and payroll information and support to programs in State government.

(2) An assessment of the existing integration capabilities of these systems and the estimated costs of the current integration, or the costs to integrate these systems where that capability does not currently exist.

(3) The feasibility of implementing a financial business infrastructure that would include integrated operations for budgeting, accounting, payroll, human resources, revenue collection, cash management, investments, and other business functions of State government.

(4) A preliminary risk assessment of implementing a new financial business infrastructure.

(5) An estimate of the cost to develop a Request for Proposal and to design and implement such a financial business infrastructure.

SECTION 17.2. The Director of the Budget may identify funds to support this study. This provision shall not apply to The University of North Carolina constituent institutions or to the constituent institutions of the North Carolina Community Colleges System.

SECTION 17.3. The Office of State Controller shall present an interim report of the study prescribed in this section to the 2002 Regular Session of the 2001 General Assembly, and shall submit a final report to the 2003 General Assembly, Regular Session 2003.

PART XVIII. NATURAL HERITAGE AREA DESIGNATION COMMISSION (H.B. 1271 – Haire, Nesbitt)

SECTION 18.1. The General Assembly finds that the following physical and cultural features in the mountain region of Western North Carolina are of national significance:

(1) The Great Smoky Mountains National Park is the most visited national park in America.

(2) The Blue Ridge Parkway is the nation's longest scenic highway.

(3) The Joyce Kilmer Memorial Forest is the last remaining stand of virgin timber in the eastern United States.

(4) The Linville Gorge wilderness area is the first wilderness in the eastern United States and the deepest gorge east of the Mississippi River.

(5) Mount Mitchell is the highest mountain in the eastern United States.

(6) The New River is the second oldest river in the world and was designated as an American Heritage River in 1998.

(7) Fontana Dam is the highest dam in eastern America that was built by the Tennessee Valley Authority and is known as one of the country's greatest engineering feats in history.

(8) Grandfather Mountain is the oldest mountain in the eastern United States, was designated as an International Biosphere Reserve by the United Nations, and is the only mountain that is privately owned.

(9) The Cherokee Indian Qualla Boundary is the home of the Eastern Band of the Cherokee Indians, and the Trail of Tears is a National Heritage Trail.

(10) Roan Mountain is the world's largest natural Catawba rhododendron garden.

(11) The Appalachian Trail is the longest national hiking trail in the United States.

(12) Whiteside Mountain has the highest cliffs of perpendicular bare rock east of the Rockies.

(13) The Nantahala River is the most popular white-water rafting river in America.

(14) The Biltmore Estate is America's largest private residence.

(15) The Cradle of Forestry in America National Historic Site is the first forestry school in America.

(16) The Cherohala Skyway is a National Scenic Byway.

(17) The Carl Sandburg Home is a National Historic Site.

SECTION 18.2. The General Assembly further finds that:

(1) The National Park Service's definition of a National Heritage Area is a place designated by Congress where natural, cultural, historic, and scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them. Continued use of the National Heritage Area by people whose traditions helped to shape the landscape enhances their significance.

(2) Designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area would recognize the nationally distinctive landscape of this area and the role of this distinctive landscape in defining the collective American cultural landscape. The natural, cultural, historic, and recreation resources in this 23-county region combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make the mountain region of Western North Carolina representative of the national experience through the physical features that remain and the traditions that have evolved in the area. Continued use of this area by people whose traditions helped to shape the landscape enhances its significance.

(3) Since 1916, the National Park Service has been the federal agency responsible for preserving nationally significant natural and historic resources for present and future generations.

(4) The National Park Service provides technical expertise to assist in all stages of the process for seeking designation as a National Heritage Area.

(5) Congress has designated 18 National Heritage Areas.

(6) Residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area are interested and committed to completing the suitability and feasibility study that must be completed prior to Congress's designating a National Heritage Area.

(7) The National Heritage Area designation by the United States Congress for the 23-county mountain region of Western North Carolina would help to preserve and celebrate the uniqueness of this area and its defining landscape in North Carolina and offers the potential to ensure key educational and inspirational opportunities in perpetuity, without compromising traditional local control over, and use of, the landscape.

SECTION 18.3. As used in this act, "23-county mountain region" means the following 23 counties, which are the counties designated to be served by the Western North Carolina Regional Economic Development Commission under G.S. 158-8.1: Alleghany, Ashe, Avery, Burke, Buncombe, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes, and Yancey.

SECTION 18.4. The National Heritage Area Designation Commission is created. This Commission shall consist of 17 members, to be appointed as follows:

(1) Two members shall be appointed by the President Pro Tempore of the Senate.

(2) Two members shall be appointed by the Speaker of the House of Representatives.

(3) Two members shall be appointed by the Governor.

(4) One member shall be appointed by the Lieutenant Governor.

(5) One member shall be appointed by the Commissioner of Agriculture.

(6) One member shall be appointed by the Secretary of Cultural Resources.

(7) One member shall be appointed by the Secretary of Commerce.

(8) Three members shall be appointed by the Western North Carolina Regional Economic Development Commission, created in G.S. 158-8.1.

(9) Three members shall be appointed by the regional host organizations: one member from the Blue Ridge Mountain Host, Inc., one member

from the North Carolina High Country Host, Inc., and one member from the Smoky Mountain Host of North Carolina, Inc.

(10) One member shall be appointed by the Principal Chief of the Eastern Band of the Cherokee Nation.

SECTION 18.5. In addition, the following five individuals shall serve as ex officio, nonvoting members of the Commission:

(1) The Superintendent of the Great Smoky Mountains National Park.

(2) The Superintendent of the Blue Ridge Parkway.

(3) The District Supervisor of each of the following: the Pisgah National Forest, the Nantahala National Forest, and the Cherokee National Forest.

SECTION 18.6. The National Heritage Area Designation Commission shall seek designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area. The Commission also shall develop and complete a suitability and feasibility study, a critical step prior to Congress's designating a National Heritage Area. The Commission shall elicit public involvement in the study and interest and commitment in the proposal by residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area.

SECTION 18.7. The Speaker of the House of Representatives shall select one member to serve as cochair. The President Pro Tempore of the Senate shall select one member to serve as cochair. A majority of the Commission shall constitute a quorum for the transaction of business.

SECTION 18.8. Members initially appointed under subdivisions (1), (4), (5), (6), and (8) of 18.4 of this part shall serve a one-year term. All other members under subsection (a) of this section shall serve a two-year term. Commission members who are also General Assembly members may complete a term of service on the Commission even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly shall result in removal from the Commission. A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days and shall be filled by the same appointing officer who made the original appointment. Members of the Commission who are State employees shall receive travel expenses under G.S. 138-6. Other members of the Commission shall receive travel expenses under G.S. 138-5.

SECTION 18.9. Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall provide administrative and funding support to the National Heritage Area Designation Commission.

SECTION 18.10. Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall develop a regional heritage tourism plan and shall present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002.

PART XIX. COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES STUDY OF DATE RAPE DRUG ANALOGUES (S.B. 938 – Foxx)

SECTION 19.1. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services may study controlled substance analogues used as "date rape drugs". The Commission shall determine whether those substances should be added to the schedules for controlled substances as provided under G.S. 90-88, except that G.S. 90-88(e) shall not apply to this study or be a factor in the Commission's determination.

For purposes of this section, the term "analogue" means a substance other than a controlled substance that is intended for human consumption and that either has a chemical structure substantially similar to a controlled substance in Schedules I, II, or III of Chapter 90 of the General Statutes or that produces an effect substantially similar to that of a controlled substance in Schedules I, II, or III as set out in Chapter 90 of the General Statutes.

SECTION 19.2. The Commission may report its findings and recommendations to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services prior to the convening of the 2003 General Assembly.

PART XX. JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE STUDY (S.B. 367 – Hoyle)

SECTION 20.1. The Joint Legislative Administrative Procedure Oversight Committee may study the applicability of the Administrative Procedure Act to the North Carolina Federal Tax Reform Allocation Committee and the North Carolina Housing Finance Agency and may report to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

PART XXI. SENTENCING AND POLICY ADVISORY COMMISSION STUDIES

SECTION 21.1. The North Carolina Sentencing and Policy Advisory Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

SECTION 21.2. Second Degree Arson Penalty Study (H.B. 123 – Russell) – The Commission may study the State's criminal laws with regard to arson and other burnings and whether conforming changes to the statutory medical reporting requirements regarding burn injuries that appear to result from a criminal act are needed.

SECTION 21.3. Habitual Felon Law Study (H.B. 1151, H.B. 1152 – Michaux) – The Commission may study the habitual felon law to determine whether any changes are needed.

SECTION 21.4. Drug Offenses (H.J.R. 1420 – Carpenter of Haywood) – The Commission may study the laws regarding drug offenses and the current sentencing guidelines for those offenses.

SECTION 21.5. Penalties for Detonation of Explosive Devices (Goodwin) – The Commission may study whether the State's penalties for detonation of explosive devices within courthouses and other public buildings should be enhanced. The Commission may include as a part of its study and recommendations all of the provisions in Article 13 of Chapter 14 of the General Statutes.

PART XXII. LONG-TERM CARE LOCAL LEAD AGENCY STUDY (S.B. 166 – Dannelly; H.B. 161 – Insko)

SECTION 22.1. The Department of Health and Human Services, Division of Aging, shall study whether counties should designate local lead agencies to organize a local long-term care planning process, as described in Recommendation #10 of the Institute of Medicine's (IOM) Long-Term Care Task Force Interim Report of June 30, 2000. In conducting the study, the Department shall consider how a lead agency for long-term care planning at the local level would relate to other requirements for county planning and long-term care. The Department shall report its findings and recommendations to the North Carolina Study Commission on Aging on or before the convening of the 2003 General Assembly. The report shall specifically address the IOM Task Force recommendation and rationale pertaining to local planning and long-term care services.

PART XXIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY

SECTION 23.1. Eliminate Disparities in Health Care (S.B. 391 – Forrester, Lucas) – The Department of Health and Human Services shall study disparities among ethnic and racial minorities in the health care system and shall make recommendations on ways to eliminate disparities in and barriers to health care for ethnic and racial minorities. The Department may report to the 2002 Regular Session of the 2001 General Assembly upon its convening and shall make its report to the 2003 General Assembly. The Department shall provide a copy of the report to the cochairs of the Health Care Oversight Committee.

PART XXIV. BOARD OF GOVERNORS STUDY

SECTION 24.1. Fayetteville State Stadium (Rand, McAllister) – The Board of Governors of The University of North Carolina may study the feasibility of building a new stadium at Fayetteville State University. The Board may report its findings and recommendations to the Joint Legislative Education Oversight Committee by April 1, 2002.

PART XXV. HOUSE SELECT COMMITTEE ON VARIOUS ENVIRONMENTAL RULES (Warwick)

SECTION 25.1. Committee Created. – The House Select Study Committee on Various Environmental Rules is created. The purpose of the House Select Study Committee on Various Environmental Rules is to determine:

(1) The effect of certain environmental impacts upon tourism in the State.

(2) The involvement of appropriate locally elected officials in the rule-making process regarding the environmental rules subject to study under Section 3 of this resolution, whether there should be more involvement by locally elected officials, and, if so, what specific acts of involvement.

(3) Whether an economic impact statement should be prepared for any proposed rule that is subject to study under Section 3 of this resolution, and, if so, whether an economic impact statement should take into account the county or the region of the State affected by the proposed rule.

(4) The working relationships among boards, commissions, or authorities that adopt any rules subject to study under Section 3 of this resolution.

(5) The extent to which property owners are unduly burdened by rules subject to study under Section 3 of this resolution.

SECTION 25.2. Membership. – The Speaker of the House of Representatives shall appoint 11 members of the House of Representatives to serve as members of the House Select Study Committee on Various Environmental Rules. In the event a vacancy occurs on the Committee, the Speaker of the House of Representatives shall appoint a replacement from the members of the House of Representatives.

SECTION 25.3. Study. – The House Select Study Committee on Various Environmental Rules may study any current rule adopted by, or any rule proposed by, the Environmental Management Commission or by the Coastal Resources Commission under the Coastal Area Management Act of 1974, Article 7 of Chapter 113A of the General Statutes, regarding the following subjects as well as the process whereby any such rule is adopted:

(1) The creation, preservation, maintenance, and restoration of riparian buffers, buffers along lake shorelines, or buffers along the North Carolina coast.

(2) Control of erosion and sedimentation resulting from the Department of Transportation engaging in land-disturbing activities.

(3) The process of obtaining an air quality permit.

(4) Any other current rule adopted by, or any rule proposed by, the Environmental Management Commission or by the Coastal Resources Commission under the Coastal Area Management Act of 1974, Article 7 of Chapter 113A of the General Statutes, that the Committee determines is appropriate for study.

SECTION 25.4. Report. – The House Select Study Committee on Various Environmental Rules shall submit a final report of its findings and recommendations by February 1, 2003, to the General Assembly. The Committee may also make an interim report, including recommended legislation, to the 2002 Regular Session of the 2001 General Assembly. The report may include draft legislation to implement its

recommendations along with an analysis of the fiscal impact of each recommendation. The Committee shall terminate upon filing its final report.

SECTION 25.5. Expenses of Members. – Members of the House Select Study Committee on Various Environmental Rules shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

SECTION 25.6. Cochairs; Meetings. – The Speaker of the House of Representatives shall designate two cochairs of the House Select Study Committee on Various Environmental Rules from among the respective appointees. The Committee shall meet upon the call of the cochairs. A majority of the members of the Committee shall constitute a quorum.

The Committee may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

SECTION 25.7. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the House Select Study Committee on Various Environmental Rules in its work. The House of Representatives Supervisor of Clerks shall assign clerical staff to the Committee, and the expenses related to the clerical employees shall be borne by the Committee.

SECTION 25.8. Powers. – The House Select Study Committee on Various Environmental Rules, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4.

SECTION 25.9. Cooperation by Government Agencies. – The House Select Study Committee on Various Environmental Rules may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance.

PART XXVI. GENERAL STATUTES COMMISSION STUDY OF MOTOR VEHICLE STATUTES (Weatherly)

SECTION 26.1. The General Statutes Commission may study renumbering, rearranging, and consolidating the provisions of Chapter 20 of the General Statutes. The Commission may report its findings and recommendations to the 2003 General Assembly and to the 2005 General Assembly.

PART XXVII. LEGISLATIVE SERVICES COMMISSION STUDY OF SECURITY SURVEY (H.J.R. 1267 – Wright)

SECTION 27.1. The Legislative Services Commission shall examine the Security Survey of the North Carolina General Assembly Complex, conducted by the United States Secret Service, and make recommendations on implementing its recommendations. A report may be made to the 2002 Regular Session of the 2001 General Assembly and shall be made to the 2003 General Assembly.

PART XXVIII. PUBLIC HEALTH STUDY COMMISSION STUDIES

SECTION 28.1. The Public Health Study Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to

the 2002 Regular Session of the 2001 General Assembly or to the 2003 General Assembly.

SECTION 28.2. Public Health Impact of Hepatitis C (H.B. 1264 – Wright) – The Commission may study the public health impact of Hepatitis C in this State and the need for programs or policies to enhance education, awareness, detection, and prevention of the disease in the general population.

SECTION 28.3. HIV/AIDS Prevention and Care Programs (H.B. 1405 – Wright) – The Commission may study ways to improve HIV/AIDS prevention and care programs.

SECTION 28.4. Treatment of Rape Victims and Health Care Workers Who Risk HIV Infection (H.B. 1416 – Daughtry) – The Commission may study State law and public policy pertaining to the treatment of rape victims and needle stick health care workers who risk HIV infection.

PART XXIX. REESTABLISH NORTH CAROLINA TAX POLICY COMMISSION

SECTION 29.1. Commission Established. – There is established a North Carolina Tax Policy Commission.

SECTION 29.2. Membership. – The Commission shall consist of 18 members who shall represent, insofar as practicable, the diverse interests and geographic regions of the State and shall include individuals with expertise in tax policy, tax administration, and professional tax practice.

The Speaker of the House of Representatives shall appoint six members, as follows: two members of the General Assembly, one individual nominated by the North Carolina League of Municipalities, one individual who represents business taxpayers, and two public members.

The President Pro Tempore of the Senate shall appoint six members, as follows: two members of the General Assembly, one individual nominated by the North Carolina Association of County Commissioners, one individual who represents nonbusiness taxpayers, and two public members.

The Governor shall appoint six members, as follows: one individual who represents tax practitioners, one individual who represents nonprofit, charitable organizations, one individual who has demonstrated leadership and expertise in tax policy, one individual who represents senior citizens, one individual who represents small business taxpayers, and one public member.

Vacancies shall be filled by the original appointing authority.

SECTION 29.3. Mission. – The mission of the Commission is to study, examine, and, if necessary, design a realignment of the State and local tax structure in accordance with a clear, consistent tax policy. This mission requires:

(1) Establishing the principles of taxation upon which a sound State and local tax structure should be built for the 21st century.

(2) Examining the current State and local tax structure to determine if it reflects these principles.

(3) Recommending changes in the State and local tax structure to the extent it does, and does not, reflect these benchmark tax principles.

(4) Recommending principles and practices to simplify and consolidate existing taxes to provide uniformity; to ease the administrative burden on the taxpayer; to maximize taxpayers' use of electronic tax payment and reporting methods; and to reduce the costs of collecting and administering taxes.

SECTION 29.4. Duties. – The Commission shall:

(1) Evaluate the current State and local tax base in terms of:

a. Responsiveness of each base to the changing and emerging economies (e.g., from farming and manufacturing to services, commerce, such as Internet sales, and technology).

b. Rates compared to other states.

c. Cost of collecting each tax.

d. Tax burden imposed on individuals and businesses in the State.

e. Principles of taxation reflected in the tax.

(2) Examine all current tax preferences, such as lower rates, exemptions, exclusions, and refunds, to determine their public policy purpose; examine the narrowing of the tax base that is a product of these preferences; and evaluate the resulting impact on taxpayers not eligible for these preferences.

(3) Review tax changes made in the last 10 years to determine their impact on the State compared to their projected impact, and to assess any economic or demographic conditions on the horizon that may alter their impact.

(4) Examine the impact of changing intergovernmental (federal-State-local) relationships upon funding among levels of government and the resulting impact upon tax policy; and examine how the State, counties, and cities will share a reduced federal funding role, when, in 2003, the Balanced Budget Act takes full effect and federal domestic spending is fully capped.

(5) Examine the impact of changing interlocal, (city/county) service systems and the resulting effect on local tax policy; and examine how area-wide services, such as fire suppression, water and sewer, and recreation, should be financed and allocated.

SECTION 29.5. Report. – The Commission shall submit a final report of its findings and recommendations by March 1, 2003, to the General Assembly, the Governor, and the citizens of the State. The Commission may also make an interim report, including recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, and to the Governor and the citizens of the State. The report shall include draft legislation to implement its recommendations along with an analysis of the

fiscal impact of each recommendation. The Commission shall terminate upon filing its final report.

SECTION 29.6. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 29.7. Cochairs; Meetings. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum.

The Commission may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 29.8. Subcommittees. – The Commission may appoint subcommittees of its members and other knowledgeable persons or experts to assist it. It may also appoint a Technical Advisory Board, if deemed desirable by its members to have an ongoing body of technical experts.

SECTION 29.9. Citizen Participation. – The Commission shall establish a process of citizen education and participation that assures the citizens of North Carolina of the opportunity to be informed of and contribute to the work of the Commission.

SECTION 29.10. Staff. – Within funds available, the Commission, after consultation with the Legislative Services Commission, shall employ a full-time Executive Director who shall report to the Commission and serve at its pleasure. The Executive Director shall be the Chief Executive Officer and may employ additional employees and contract for services, subject to approval of the Commission. Additional staff may be provided to the Commission by the Legislative Services Office.

SECTION 29.11. Powers. – The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4. The Commission may contract for consultant services as provided by G.S. 120-32.02, including revenue forecasting and estimating services from the Tax Research Division of the Department of Revenue.

SECTION 29.12. Cooperation by Government Agencies. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance.

SECTION 29.13. Funding. – Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission. The Commission may apply for, receive, and accept grants of non-State funds, or other contributions as appropriate to assist in the performance of its duties.

PART XXX. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES

SECTION 30.1. Study 911 Funds (S.B. 589 – Dannelly; H.B. 125 – Hall, H.B. 130 – Edwards, H.B. 678 – Buchanan, H.B. 710 – Arnold, H.B. 725 – Culpepper, H.B. 791 – Starnes, H.B. 867 – McLawhorn) – The Joint Legislative Utility Review Committee is authorized to study clarifying and expanding the allowed uses of the money in emergency telephone system funds and making other statutory changes for the purpose of expanding the use of telecommunications systems for public safety purposes. The Committee is authorized to report its findings and recommendations, including any proposed legislation, to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

SECTION 30.2. Improve Air Quality (S.B. 1078 – Metcalf; H.B. 1015 – Nesbitt, Haire) – The Joint Legislative Utility Review Committee is authorized to study requiring reductions in the emissions of certain pollutants from certain facilities that burn coal to generate electricity. The Committee is authorized to report its findings and recommendations, including any proposed legislation, to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

PART XXXI. UNC BOARD OF GOVERNORS STUDY COMMISSION

SECTION 31.1. There is created the UNC Board of Governors Study Commission. The Commission shall consist of 10 members appointed as follows: five by the President Pro Tempore of the Senate and five by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member to serve as cochair of the Commission. Vacancies on the Commission shall be filled by the appointing authority. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum.

SECTION 31.2. The Commission shall study the method of election or appointment of members of the Board of Governors, the length of members' terms, the number of terms a member may serve, and the size of the Board of Governors. As part of the study, the Commission may examine the governing boards of other states' institutions of higher education. The Commission shall report its findings and any recommendations to the 2003 Regular Session of the General Assembly.

SECTION 31.3. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 31.4. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. All State departments and agencies and

local governments and their subdivisions shall furnish the Commission with information in their possession or available to them. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this section.

SECTION 31.5. The Commission shall terminate upon the filing of its final report.

PART XXXII. ELECTION LAWS REVISION COMMISSION (Gulley of Durham; H.B. 260 – Alexander, Bonner)

SECTION 32.1. There is created an Election Laws Revision Commission. The Commission shall be composed of 17 members. Twelve members shall be appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint four members, including at least one county board of elections member, with no more than three of the four affiliated with the same political party.

(2) The Speaker of the House of Representatives shall appoint four members, including at least one county elections director, with no more than three of the four affiliated with the same political party.

(3) The Governor shall appoint four members, including at least one county commissioner and at least one minority-party member of the State Board of Elections.

The Chair and the Executive Secretary-Director of the State Board of Elections shall be ex officio members. The State chairs of the three political parties whose nominees for Governor received the largest number of votes in the most recent general election for Governor shall be ex officio members. All members of the Commission, whether appointed or ex officio, shall be voting members.

SECTION 32.2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 32.3. The Election Laws Revision Commission shall study the following:

(1) The election laws, policies, and procedures of the State.

(2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administrating these laws.

(3) The election laws, policies, and procedures of other states and jurisdictions.

(4) Federal and State case rulings impinging on these laws, policies, and practices.

(5) Public funding of election campaigns, including the advisability and proper design of a system to allow public funds to be used to support the campaigns of candidates for Governor, Lieutenant Governor, other

Council of State officers, and the General Assembly who agree to abide by fund-raising and spending limits.

(6) APA exemption for the State Board of Elections.

(7) Preference voting and instant second primaries.

SECTION 32.4. The Commission shall prepare and recommend to the General Assembly a comprehensive revision of the election laws of North Carolina that will accomplish the following:

(1) Remove inconsistencies, inaccuracies, ambiguities, and outdated provisions in the law.

(2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections or its Executive Secretary-Director.

(3) Conform the statutory law to State and federal case law and to any requirements of federal statutory law and regulation.

(4) Ensure the efficient and effective administration of elections in this State.

(5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand.

(6) Recodify the election laws, as necessary, to produce a comprehensive, clearly understandable structure of current North Carolina election law, susceptible to orderly expansion as necessary.

SECTION 32.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Election Laws Revision Commission and may provide for additional staffing by the State Board of Elections, Office of the Attorney General, and the Institute of Government. With prior approval of the State Board of Elections, the Election Laws Revision Commission may hold its meetings in the offices of the State Board. With the prior approval of the Legislative Services Commission, the Election Laws Revision Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 32.6. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2003 Session of the General Assembly and may submit a report to the 2002 Regular Session of the 2001 General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 32.7. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.

(3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 32.8. All State departments and agencies, local boards of elections, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 32.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Election Laws Revision Commission.

PART XXXIII. AMEND LAW REQUIRING STATE AGENCIES TO FURNISH DATA AND INFORMATION TO LEGISLATIVE COMMITTEES AND REGARDING INTERIM COMMITTEE ACTIVITY

SECTION 33.1. G.S. 120-19 reads as rewritten:

"**§ 120-19. State officers, etc., upon request, to furnish data and information to legislative ~~committees.~~committees or commissions.**

Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the State are required to give to any committee of either house of the General Assembly, or any committee or commission whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, upon request, all information and all data within their possession, or ascertainable from their records. This requirement is mandatory and shall include requests made by any individual member of the General Assembly or one of its standing committees or the chair of a standing committee."

SECTION 33.2. G.S. 120-19.6 reads as rewritten:

"**§ 120-19.6. Interim committee activity; rules.**

(a) Upon a general directive by resolution of the house in question or upon a specific authorization of either the Speaker of the House, President of the Senate, President ~~pro tempore~~ Pro Tempore of the Senate or the Speaker ~~pro tempore~~ Pro Tempore of the House, any standing committee, select committee or subcommittee of either house of the General Assembly is authorized to meet in the interim period between sessions or during recesses of the General Assembly to consider specific bills or resolutions or other matters properly before the committee. No particular form of authority is needed, but this section is intended to promote better coordination by having a system of authorization for meetings of the committees of the General Assembly between sessions or during recesses. Meetings will be held in Raleigh, but with the approval of the Speaker or Speaker ~~pro tempore,~~ Pro Tempore, a House committee may meet elsewhere; and with the approval of the President or President ~~pro tempore,~~ Pro Tempore, a Senate committee may meet elsewhere. In addition, committees may meet at such places as authorized by specific resolution or action of either body of the General Assembly.

(a1) The Speaker of the House or the President Pro Tempore of the Senate may authorize, in writing, the creation of interim study committees to study and investigate governmental agencies and institutions and matters of public policy to assist that chamber in performing its duties in the most efficient and effective manner. The Speaker of the House or the President Pro Tempore of the Senate may appoint members of the relevant chamber, State officers and employees, and members of the public to the interim study committee. An interim study committee created under this subsection shall be deemed a committee of the relevant chamber for the purposes of this Article. Interim study committee members who are State officers and employees or members of the public shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

(b) In all other respects, committees shall function in the interim period between sessions or during recesses in the same manner and under the rules generally applicable to committees of the house in question of the General Assembly during the session of the General Assembly.

(c) Any committee during the interim period that meets upon specific authorization of the Speaker of the House, President of the Senate, President ~~pro tempore~~ Pro Tempore of the Senate or Speaker ~~pro tempore~~ Pro Tempore of the House shall limit its activities to those matters contained in the authorization, and shall suspend its activities upon written directive of such officer. Any interim committee that meets upon a directive by resolution of the house in question of the General Assembly shall limit its activities to those matters contained in the authorization."

PART XXXIV. BILL AND RESOLUTION REFERENCES

SECTION 34.1. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART XXXV. EFFECTIVE DATE AND APPLICABILITY

SECTION 35.1. Except as otherwise specifically provided, this act is effective when it becomes law. If a study is authorized both in this act and the Current Operations Appropriations Act of 2001, the study shall be implemented in accordance with the Current Operations Appropriations Act of 2001 as ratified.

Compare House v. Senate: Studies Bill

SB 1166

PART I. TITLE

SECTION 1. This act shall be known as "The Studies Act of 2001".

PART II. LEGISLATIVE RESEARCH COMMISSION

SECTION 2.1. The Legislative Research Commission may study the topics listed below. When applicable, the bill or resolution that originally proposed the issue or study and the name of the sponsor is listed. Unless otherwise specified, the listed bill or resolution refers to the measure introduced in the 2001 Regular Session of the 2001 General Assembly. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The following groupings are for reference only:

(1) Governmental Agency and Personnel Issues:
- a. Definition of "child" in G.S. 165-20(3), the Veterans' Scholarship Program (Plyler)
- b. Restructuring the Office of State Personnel (Kinnaird)
- c. Establish North Carolina Portrait Gallery Commission (S.B. 1082 – Reeves)
- d. Efficient location of State offices (Weinstein)
- e. Early retirement for State employees and law enforcement officers (H.B. 4 – Hensley, H.B. 79 – Tucker, H.B. 1022 – Goodwin)
- f. Firefighter's and rescue squad retirement issues (H.B. 1077, H.B. 1078 – Arnold)

(2) Insurance and Managed Care Issues:
- a. High-risk insurance health pools (S.J.R. 159 – Ballantine)
- b. Insurance availability in beach and coastal areas (S.B. 212 – Soles, Ballantine, Jordan, Wellons, Allran; H.B. 229 – Redwine, Dedmon, Hurley, Nye, Smith)
- c. Moratorium on health insurance mandates (S.B. 1044 – Hoyle; H.B. 1048 – Redwine)
- d. Uninsured motorist coverage (H.B. 1253 – Goodwin)
- e. Motor vehicle insurers/no mandates/nonoriginal crash parts (Nesbitt; H.B. 1329 – Carpenter of Haywood, Teague, West)

(3) Environmental/Agricultural Issues:
- a. Enhancing fairness in agricultural contracts (S.B. 1086 – Wellons)
- b. Deposits on beverage containers (H.B. 772 – Edwards)

(4) Government Regulatory Issues:
- a. Visitor safety in State parks (Rand)
- b. Clear cutting and development growth management in the City of Raleigh (Reeves)
- c. Safety requirements in State building code (Rand)
- d. State Medical Examiner system (H.B. 648 – Earle)
- e. Naturopathy (H.B. 1091 - Hill)

f. Ensuring an efficient, timely, and flexible State purchasing and procurement process decentralized to the extent possible (Cole, Crawford, Fox)

g. Establishing a State energy program and the use of alternative financing agreements to finance energy conservation projects in State facilities (H.B. 389 – Tolson)

h. Government tort claims (S.B. 743 – Miller of Wake; H.B. 384 – Nesbitt)

i. Impact of licensure and reimbursement requirements for Licensed Psychological Associates on health care and on these practitioners (Masters level psychologists) (Kinnaird, Holliman)

j. Construction contracts/retainage reform (H.B. 1224 – Nesbitt)

(5) Transportation Issues:

a. Steering and the offering of incentives with regard to motor vehicle glass repairs (Wellons; H.B. 13 – Sherrill)

b. Post-towing procedures (H.B. 1340 – Mitchell)

c. Use of cellular telephones in vehicles (H.B. 62 – McAllister, H.B. 74 – Bowie)

d. Compensation for Highway Patrol services at special events (H.B. 455 – McCombs)

(6) Criminal Laws Issues:

a. Consolidation of law enforcement agencies (Kinnaird)

(7) Election Issues:

a. Providing for a later primary date (S.B. 372 – Thomas)

(8) Consumer Issues:

a. Mandatory arbitration provisions in consumer contracts

(9) Domestic Violence Issues:

a. Child abuse and neglect in child care facilities (H.B. 456 – Hunter)

b. Confidentiality program for victims of domestic violence (H.B. 1402 – Jeffus)

c. Establishing a domestic violence fatality review team (S.B. 626 – Clodfelter; H.B. 810 – Alexander)

(10) Education-Related Issues:

a. Payment of costs incurred by constituent institutions of The University of North Carolina for municipal services, including issues related to stormwater systems, fire protection, and traffic congestion (Hackney)

(11) Civil Law:

a. Distribution of wrongful death proceeds (H.B. 400 – Haire)

b. Use of traffic control photographic systems (H.B. 536 – Ellis)

(12) Juvenile Issues:

a. Improving academic performance of juveniles in education programs for juveniles in juvenile facilities, promoting efficiencies in government to permit funds to be redirected to these education programs, and increasing school-based decision making and parental involvement in these education programs (Nesbitt, Walend)

b. Establishing procedures in the juvenile code for juveniles who lack the capacity to proceed (H.B. 138 – Baddour)

c. Juvenile commitment procedures (H.B. 277 – Haire)

d. Allowing counties to appeal certain orders in juvenile court (H.B. 1314 – Baddour)

(13) Other:

a. Economic impact of State's tourism industry (H.J.R. 419 – Warwick, McComas, Rayfield, Redwine, Smith)

b. Living income for State citizens (S.B. 1035 – Ballance; Martin of Guilford; H.B. 1104 – Alexander, Yongue, Earle, Fox)

c. Zero-based budgeting (H.B. 479 – Gulley of Mecklenburg)

SECTION 2.1A. Study of Bail Bondsmen (Harris) – The Legislative Research Commission may study the authority and regulation of bail bondsmen in this State. If it undertakes the study, the Commission shall consult with the Department of Insurance to consider the following:

(1) The current legal authority of bail bondsmen and whether that authority should be limited or restricted.

(2) The law and policies of other states in regulating bail bondsmen.

(3) Alternatives for strengthening the laws and regulations of this State in regard to regulating bail bondsmen.

(4) Any other issues the Commission considers relevant to the regulation of bail bondsmen.

SECTION 2.1B. Study of Cumberland Dam/Reservoir/State Park (S.B. 763 – Shaw of Cumberland) – (a) The Legislative Research Commission may study the feasibility and the desirability of constructing and establishing a dam and reservoir to be located on the Cape Fear River in Cumberland County for the purpose of establishing a regional public drinking water supply and authorizing the Department of Environment and Natural Resources to add the property surrounding the dam and reservoir to the State Parks System, as provided in G.S. 113-44.14(b). The Legislative Research Commission may consider whether purchasing land and developing a State park in Cumberland County and constructing and establishing a dam and reservoir on the Cape Fear River in the State park would:

(1) Significantly enhance and conserve water quality in the Cape Fear River and in the area.

(2) Further the objectives of the basinwide management plans for the Cape Fear River Basin and watershed.

(3) Promote regional integrated ecological networks insofar as they affect water quality.

(4) Preserve resources with significant recreational or economic value and uses.

(5) Add to the development of a network of riparian buffer greenways bordering the Cape Fear River in the State park that would serve environmental, educational, and recreational uses.

(b) The Legislative Research Commission may consider the following issues related to purchasing land and developing a State park in Cumberland County and constructing and establishing a dam and reservoir on the Cape Fear River in the State park:

(1) Whether the Department of Environment and Natural Resources should develop for budget and planning purposes estimates of the costs of the proposed project.

(2) Whether the Department of Environment and Natural Resources should request the North Carolina Congressional delegation to apply to the Congress of the United States for appropriations for this water resources development project.

(3) Whether the Department of Environment and Natural Resources should apply for a grant from the Clean Water Management Trust Fund under Article 13A of Chapter 113 of the General Statutes to fund all or part of the proposed project being studied under subsection (a) of this section, including the purchase of land or other interests in property.

(4) Whether the Department of Environment and Natural Resources should use funds available for water resources development projects to assist in constructing and establishing the dam and reservoir project being studied under subsection (a) of this section.

(5) Whether the Department of Environment and Natural Resources, pursuant to G.S. 143-355(b), should conduct an engineering study and report of the proposed water resources project consisting of constructing and establishing the dam and reservoir project being studied under subsection (a) of this section.

(c) The Division of Parks and Recreation of the Department of Environment and Natural Resources shall participate in each component of the study under subsection (a) of this section and in the consideration of any issues considered by the Legislative Research Commission under this section.

SECTION 2.1C. Availability of Liability Insurance for ~~Long-Term~~Long-Term Care Facilities, Physicians, and Hospitals – The Legislative Research Commission may study the availability of liability insurance for long-term care facilities, physicians, and hospitals in this State. If it undertakes this study, the Commission shall consider:

(a) The factors causing and compounding reductions in underwriting capacity.

(b) The underwriting and marketing practices of insurers and producers writing liability insurance for long-term care facilities, physicians, and hospitals.

(c) Optional methods of risk management or risk sharing that may be utilized by long-term care facilities, physicians, and hospitals.

(d) The effects of diminished underwriting capacity in long-term care facility, physician, and hospital liability insurance on the State's economy.

(e) Any other related issues.

SECTION 2.1D. Tier 1 County Core and Essential Public Health Services Study (S.B. 949 – Ballance) – The Legislative Research Commission may study how to improve core and essential public health services in counties designated as Tier 1 counties. If it undertakes this study, the Commission shall determine:

(1) Whether county health departments and district health departments in Tier 1 counties can coordinate the delivery of core and essential public health services through the establishment of a State-funded regional public health improvement demonstration project.

(2) How to improve local public health departments' community health assessment functions.

(3) How to improve the capability of local public health departments and local boards of health to impact community health issues.

(4) How to ensure that needed quality health services are available and accessible to all residents.

SECTION 2.1E. State Personnel System (Baddour, Coates, Gibson, Russell, Underhill) – The Legislative Research Commission may study the State's overall system of personnel administration, including the following:

(1) The funding and staffing of the Office of State Personnel.

(2) The Comprehensive Compensation System for State employees.

(3) State employee performance evaluation practices and procedures.

(4) Whether provisions of the State Personnel Act, Chapter 126 of the General Statutes, should be revised based upon modern human resources practices.

(5) Any other matters relative to the policies, practices, terms, and condition of State government employment.

SECTION 2.1F. Bioterrorism Preparedness (Gibson, Wright) – The Legislative Research Commission may study the ability of the State to respond in instances of suspected bioterrorism, including the ability of the State to provide laboratory and epidemiological support when bioterrorism is suspected or when there is a question of food supply safety and security.

SECTION 2.1G. Employment Security (Redwine) – The Legislative Research Commission may study issues relating to the State's Employment Security Law, Chapter 96 of the General Statutes, with an emphasis on the unemployment insurance tax. The Legislative Research Commission is encouraged to appoint members of the public, including representatives of the employers and employees, as

well as legislators to participate in the study. The study may include the following issues:

(1) Changes in the North Carolina economy and job market and their effect on the balance of the State Unemployment Insurance Trust Fund.

(2) What minimum and maximum balances would be most reasonable for the Fund to assure that it will be adequate but not excessive.

(3) Recommendations from the Employment Security Commission, including specifically the appropriate low balance for the State Unemployment Trust Fund.

(4) The average duration of unemployment in the State and its impact on the appropriate tax rate and balance of the Trust Fund.

(5) The current reserve of the Employment Security Commission Reserve Fund created under G.S. 96-59(f), and the proper use of that reserve.

(6) The State Unemployment Insurance Tax base rate, options for adjusting the rate, and the effect on Trust Fund revenue resulting from the various options available to adjust the rate.

SECTION 2.1H. Funding Mechanisms for Agriculture Operations Conversion (Hackney) – The Legislative Research Commission may study potential funding mechanisms to facilitate the conversion of agriculture operations in this State to environmentally superior management systems.

SECTION 2.2. Committee Membership. – For each Legislative Research Commission committee created during the 2001-2003 biennium, the cochairs of the Legislative Research Commission shall appoint the committee membership.

SECTION 2.3. Reporting Date. – For each of the topics the Legislative Research Commission decides to study under this Part or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or the 2003 General Assembly.

SECTION 2.4. Funding. – From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART III. JOINT LEGISLATIVE GROWTH STRATEGIES OVERSIGHT COMMITTEE (Lee, Gulley of Durham, Hackney)

SECTION 3.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 12N.

"Joint Legislative Growth Strategies Oversight Committee.

"**§ 120-70.120. Creation and membership of Joint Legislative Growth Strategies Oversight Committee.**

The Joint Legislative Growth Strategies Oversight Committee is established. The Committee consists of 12 members as follows:

(1) Six members of the Senate appointed by the President Pro Tempore of the Senate; and

(2) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2003 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment.

"**§ 120-70.121. Purpose and powers of Committee.**

(a) The Joint Legislative Growth Strategies Oversight Committee shall examine, on a continuing basis, growth and development issues and strategies in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote comprehensive and coordinated local, regional, and State growth planning and public investment, taking into consideration regional differences within the State. In this examination, the Committee may:

(1) Study the recommendations of the Commission to Address Smart Growth, Growth Management, and Development Issues established pursuant to S.L. 1999-237, Section 16.7, and determine what legislation is necessary and desirable to effectuate those recommendations;

(2) Consider strategies that help communities and regions maximize the benefits of growth by developing transportation choices, protecting natural and cultural resources, enhancing the vitality of downtowns and existing neighborhoods, removing barriers to affordable housing and preserving housing choice while preserving a viable economic climate and industry, and building greater regional cooperation on development issues;

(3) Analyze legislation from other states regarding local, regional, and State planning and growth management;

(4) Assess the viability of a comprehensive statewide growth policy;

(5) Determine how to increase the full range of affordable housing opportunities for low- and moderate-income North Carolinians;

(6) Study the fiscal relationship between State agencies and the communities in which they are located. This study ~~shall~~:may:

a. Analyze the direct and indirect economic and financial benefits and relative burdens and costs of the presence of a State agency in a community to a local government.

b. Consistent with Article V, Section 2 of the North Carolina Constitution, which exempts State property from taxation, examine the unfunded costs associated with the expansion of a State agency in a community and recommend who should assume responsibility for those costs and the appropriate funding sources.

c. Discuss the requirements local governments seek to impose on State agencies and determine whether those requirements should be applied, or applied differently, to State agencies; and

(7) Study any other matters that the Committee considers necessary to fulfill its mandate.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the General Assembly may contain any legislation needed to implement a recommendation of the Committee.

"**§ 120-70.122. Organization of Committee.**

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Growth Strategies Oversight Committee. The Committee shall meet upon the joint call of the Strategies cochairs.

(b) A quorum of the Committee is seven members. Only recommendations, including proposed legislation, receiving at least six affirmative votes may be included in a Committee report to the General Assembly. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) The cochairs of the Committee may call upon other knowledgeable persons or experts to assist the Committee in its work.

(d) Members of the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee."

SECTION 3.2. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Committee.

SECTION 3.3. This Part becomes effective January 15, 2002, and expires January 16, 2005. Prior to its expiration on January 16, 2005, the Committee shall report to the General Assembly on its activities conducted pursuant to this Part.

PART IV. LEGISLATIVE ALCOHOLIC BEVERAGE CONTROL STUDY COMMISSION (Lee)

SECTION 4.1. Commission Established. – There is established a Legislative Alcoholic Beverage Control Study Commission.

SECTION 4.2. Membership. – The Commission shall be composed of 13 members as follows:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Three members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members of the public appointed by the Governor, none of whom shall be State officials, and two of whom shall have expertise in Alcoholic Beverage Control matters.

(4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall be a municipal-elected official, and one of whom shall have experience in business and Alcoholic Beverage Control matters.

(5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be an elected county official, and one of whom shall have experience in business and Alcoholic Beverage Control matters.

SECTION 4.3. Chairman of the Alcoholic Beverage Control Commission. – The Study Commission shall invite the Chairman of the Alcoholic Beverage Control Commission to attend each meeting of the Study Commission and encourage his participation in the Study Commission's deliberations.

SECTION 4.4. Duties of Commission. – The Commission shall study the following matters related to Alcoholic Beverage Control:

(1) Benefits and costs of "control" and "license" systems, as implemented in other states, or privatization of alcoholic beverage control, with particular focus on which type of system is more efficient.

(2) Aspects of organization, structure, and function of the North Carolina ABC Commission and local alcoholic beverage control systems. – Including statutory authority, policy-making and regulatory functions, ~~price-setting~~price-setting functions, distribution functions, purchasing, budget, staffing, capital assets, and other fiscal and financial matters.

(3) Schedule, collection, and distribution of alcohol-related taxes and fees. – Including the taxes and fees currently applicable and not applicable to the sale of alcoholic beverages.

(4) Possible efficiency enhancements to the ABC system. – Including effects on the price paid by the consumer, the costs of distribution, regulatory costs, tax collection costs, and distribution of revenue to the State and local governments.

(5) Other Alcoholic Beverage Control issues. – Including location and zoning of retail stores, liquor advertising, effects of price on alcohol

consumption, uniformity throughout the State of alcoholic beverage availability and sales, and direct purchase of alcoholic beverages from out-of-state wholesalers.

(6) List not exclusive. – The Commission may study any other Alcoholic Beverage Control-related issues approved by the cochairs or recommended by the Chairman of the Alcoholic Beverage Control Commission and approved by the cochairs.

SECTION 4.5. Vacancies. – A vacancy shall be filled by the officer who made the original appointment.

SECTION 4.6. Cochairs. – The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall designate cochairs of the Commission from among their respective appointees. The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be seven members.

SECTION 4.7. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 4.8. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses related to the clerical employees shall be borne by the Commission.

SECTION 4.9. Consultants. – The Commission may employ consultants to assist with the study as provided in G.S. 120-32.02. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 4.10. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 4.11. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building.

SECTION 4.12. Report. – The Commission shall submit an interim report to the Joint Legislative Commission on Governmental Operations, to the Cochairs of the House and Senate Appropriations Committees, to the Cochairs of the House and Senate Appropriations Subcommittees on Natural and Economic Resources, and to the Fiscal Research Division on or before April 15, 2002. The Commission shall submit a final report to the recipients of the interim report on or before March 1, 2003. Upon the earlier of the filing of its final report or March 1, 2003, the Commission shall terminate.

SECTION 4.13. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART V. DOT STUDY OF PIEDMONT AREA COMMUTER RAIL LINE ACQUISITION (Garrou)

SECTION 5.1. The Department of Transportation Rail Division shall study the feasibility of acquiring rail lines or usage rights on rail lines in Forsyth County, Guilford County, and neighboring counties for commuter rail service operated by the Piedmont Authority for Regional Transportation. The Department shall consult with the Authority in conducting its study. The Department shall report its findings and recommendations to the Joint Legislative Transportation Oversight Committee by May 1, 2002.

PART VI. COMMISSION ON POSITIVE RACIAL, ETHNIC, AND FAITH RELATIONS (MARTIN OF GUILFORD)

SECTION 6.1. The Commission on Positive Racial, Ethnic, and Faith Relations is created. The purpose of the Commission is to examine and understand the factors and beliefs that influence the formation of damaging attitudes and intolerance towards persons based on race, ethnicity, and faith and to seek ideas for changing false perceptions and building tolerance and acceptance.

SECTION 6.2. The Commission shall consist of 22 members as follows:

(1) Nine members appointed by the President Pro Tempore of the Senate, as follows:
   a. Five members of the Senate;
   b. Four members from the public.

(2) Nine members appointed by the Speaker of the House of Representatives, as follows:
   a. Five members of the House of Representatives;
   b. Four members from the public.

(3) Four members appointed by the Governor, none of whom shall be members of the General Assembly.

SECTION 6.3. The President Pro Tempore of the Senate shall designate one senator as cochair, and the Speaker of the House of Representatives shall designate one representative as cochair. Vacancies on the Commission shall be filled by the officer who made the initial appointment. The Commission shall terminate the earlier of the delivery of its final report or December 1, 2002.

SECTION 6.4. The Commission, while in the discharge of official duties, may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of the cochairs. Subject to the approval of the Legislative Services Commission, the Commission may meet in the Legislative Building or the Legislative Office Building. The Commission may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. Members of the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 6.5. The Commission shall have the following powers and duties:

(1) To identify policies and practices within State government that countenance, sanction, or foster negative attitudes and perceptions of, and actions towards, persons based on their race, ethnicity, and faith.

(2) To make recommendations for actions State government can take to eliminate and prevent policies and practices that tend to foster fear and intolerance based on race, ethnicity, and faith, and that have a negative impact upon the citizens and residents of North Carolina.

(3) To consider the extent to which, and how, State government should attempt to become involved in changing perceptions, attitudes, and behaviors of individuals and institutions in ways that foster greater acceptance and tolerance of racial, ethnic, and faith differences among its citizens and residents.

(4) To identify strategies for creating better cooperation between State government and non-State institutions and systems to eliminate negative perceptions, attitudes, and behaviors based on racial, ethnic, and faith differences.

(5) To identify policies and practices within State government and non-State institutions and systems that have a positive impact on racial, ethnic, and faith relations and make recommendations for enhancing and expanding upon those policies and practices.

SECTION 6.6. The Commission on Positive Racial, Ethnic, and Religious Relations shall submit an interim report to the General Assembly not later than the convening of the 2002 Regular Session of the 2001 General Assembly. The Commission on Positive Racial, Ethnic, and Religious Relations shall submit a final report to the General Assembly December 1, 2002.

SECTION 6.7. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this Part.

PART VII. INCEST PENALTY STUDY (Metcalf; H.B. 1276 – Nesbitt)

SECTION 7.1. The North Carolina Sentencing and Policy Advisory Commission ~~shall~~may study the current punishments for violations of G.S. 14-178 and G.S. 14-179 to determine whether those punishments are consistent with other punishments for sex offenses. The Commission ~~shall~~may also study the incest statutes' application to acts between related minors.

SECTION 7.2. The Commission ~~shall~~may report its findings and recommendations, including any proposed legislation, to the General Assembly prior to the convening of the 2002 Regular Session of the 2001 General Assembly.

PART VIII. - JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE STUDIES

SECTION 8.1. The Joint Legislative Education Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 8.2. Residential Charter Schools (Lee) - The Joint Legislative Education Oversight Committee may study whether the State should authorize and fund residential charter schools. As part of this study, the Committee shall consider what portion, if any, of the residential costs should be borne by the State, and whether nonresident students should be required to pay tuition.

SECTION 8.3.(a) School Health Curriculum (S.B. 515 - Lucas) - The~~Joint Legislative Education Oversight~~ Committee may establish a special subcommittee to study the State's school health curriculum, particularly as it relates to preventing the spread of sexually transmitted diseases among adolescents. The cochairs of the Committee shall appoint the members of this special subcommittee. In addition to members from the Committee, the cochairs may appoint other members to the subcommittee from among the following categories of individuals who are not members of the General Assembly:

(1) An education or health specialist from the Institute of Government
(2) A physician with expertise in adolescent health
(3) A physician who is an expert in infectious diseases, particularly HIV
(4) A health educator
(5) An obstetrician/gynecologist
(6) A school nurse
(7) A school guidance counselor
(8) A behavioral psychologist who specializes in adolescent behavior

SECTION 8.3.(b) If the study set forth in this section is undertaken, the subcommittee shall consider the following:

(1) The sufficiency of the health curriculum, particularly in light of recent trends in sexually transmitted diseases, including HIV and trends in sexual activity and sexually transmitted diseases by age and sex;
(2) Whether the health education curriculum provides ~~age-appropriate~~age-appropriate information and promotes responsible behavior;
(3) The implementation of the health education curriculum statewide and identify local problems and concerns and whether any barriers exist that may impede the curriculum's implementation.

SECTION 8.3.(c) If the study set forth in this section is undertaken, the subcommittee shall report its findings and recommendations to the ~~Joint Legislative Education Oversight~~ Committee by January 1, 2003, whereupon the subcommittee shall terminate.

SECTION 8.4. Halifax Community College Service Area (Ballance) – The Joint Legislative Education Oversight Committee may study whether additional townships in Northampton County should be included in the Halifax Community College service area. If this study is undertaken, the Committee shall consider the availability of satellite campus facilities and other services in Jackson, as well as the impact this change would have on Roanoke-Chowan Community College. At the same time it reports its findings and recommendations to the General Assembly, the Committee shall report its findings and recommendations to the State Board of Community Colleges.

SECTION 8.5. Teaching Personal Financial Literacy in Schools (S.B. 744 – Hagan, Bingham) – The Committee may study the issue of teaching personal financial literacy in the public schools and shall consider the following issues in its study:

(1) The best methods of equipping students with the knowledge and skills they need, before they become self-supporting, to make critical decisions regarding their personal finances.

(2) The components of a personal financial literacy curriculum, including topics such as consumer financial education, personal finance, and personal credit.

(3) The appropriate materials and guidelines for local boards of education to use in implementing a program of instruction on personal financial literacy.

(4) Methods of funding for local boards of education, including information on securing public and private grant funds and on using other public and private assets, to implement the instructional program.

SECTION 8.6. Classroom Experience for School Personnel (S.B. 586 – Hartsell) – The Committee may study whether professional employees of schools who do not have daily classroom instructional contact with students should be required to deliver instruction or to have other contact with students in classrooms during the instructional day.

SECTION 8.7. Schoolwork of Suspended Students (Kinnaird) – The Committee may study the development of standards for the acceptance by public schools of schoolwork performed by suspended students at Day Reporting Centers and other alternative schools.

SECTION 8.8. Nutrition in Public Schools (S.B. 725 – Kinnaird; H.B. 650 – Howard) – The Committee may study the public health issues related to elementary and secondary students consuming foods of minimal nutritional value and whether and to what extent those foods should be made available to students in public schools.

SECTION 8.9. Tuition Rates for Noncitizen Immigrant Students (S.B. 812 – Martin of Guilford) – The Committee may study State law pertaining to tuition rates for

noncitizen immigrant students and consider the feasibility of extending in-State tuition status to those students. In addition to members from the Committee, the co-chairs may appoint other members from among the following categories of individuals who are not members of the General Assembly to assist the Committee in this study:

(1) Experts in immigration law and advocacy.

(2) Advocates for noncitizen students versed in education and immigration issues.

(3) Representatives of organizations for refugee and immigrant populations.

(4) Advisors for immigrant students at The University of North Carolina.

(5) Advocates or leaders from the noncitizen immigrant community.

SECTION 8.10. Science, Mathematics, and Technology Education (Lee; H.B. 1338 – Boyd-McIntyre) – The Committee may study ways to improve science, mathematics, and technology education and student achievement, implement the State's vision of having the best public schools in the nation by 2010, prepare students for future science, mathematics, and technology learning and jobs, and improve support to the School of Science and Mathematics.

SECTION 8.11. Health Care Personnel Education – The Committee may study ways to address the current and projected critical shortage of health care personnel and how the educational system can assist in the development of an adequate supply of appropriately trained health care personnel. Any Committee report on this issue shall be provided to the Joint Legislative Health Care Oversight Committee. Regardless of whether the Committee undertakes this study, on or before March 1, 2002, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, and the Department of Public Instruction shall submit a report to the Committee and to the Joint Legislative Health Care Oversight Committee outlining existing and future plans to address this issue, including obstacles to realizing those plans, additional plans that could be developed should additional resources be made available, numbers of current and projected students enrolled in and expected to complete health care training programs, where students become employed upon completion of the health care training programs, and any reductions in funding to programs designed to train or retain health care personnel.

SECTION 8.12. Community Colleges (Rand, Preston, Yongue) – The Committee may study the effects of requiring nine-month contracts of all full-time community college faculties. If undertaken, the study shall include a determination of the value of nine-month contracts in making national salary comparisons, the additional administrative requirements that result from nine-month contracts, the feasibility of permitting the North Carolina Community Colleges System to carry forward encumbered contract funds to a subsequent fiscal year, and the length of contract as it relates to faculty discipline.

In addition, the Committee may study the relationship between fully funding summer term instruction and moving full-time community college faculty and professional staff toward their respective national average salaries.

The Committee may also study the need for additional student services positions in the North Carolina Community Colleges System based upon changing demographics among the student population, including the need for additional counselors, financial aid specialists, special population specialists, advisors, testing and job placement specialists.

SECTION 8.13. The Prescription of Ritalin and Other Drugs to Children Diagnosed ADD/ADHD (S.J.R. 1074 – Rucho) – The Committee may study the procedure to identify amphetamine/stimulant drugs, (for example Ritalin and Adderal) based upon "Attention Deficit Disorder" (ADD) and "Attention Deficit Hyperactivity Disorder" (ADHD) in diagnosed children.

SECTION 8.14 . Review of Low-Wealth School Funding Formula (H.B. 230 – Gillespie) – The Committee may study the funding formula used to provide supplemental funds to schools in low-wealth counties.

SECTION 8.15. Meeting the Needs of Students with Disabilities (S.B. 98 – Dannelly; H.B. 248 – Boyd-McIntyre, McLawhorn) – The Committee may study issues relating to the education of students with disabilities.

SECTION 8.16. High Priority School Assistance (S.B. 1076 – Lee; H.B. 1018 – Yongue, Arnold, Rogers, Warner, Bonner) – The Committee may study ways to assist any continually low-performing schools.

SECTION 8.17. Performance-Based Licensure Program (H.B. 1256 – McLawhorn, Underhill) – The Committee may study the implementation of and the timetable for the Performance-Based Licensure Program for initially licensed teachers.

SECTION 8.18. Advisory State Board of Education Members (S.B. 394 – Miller) – The Committee may study the issue of changing the advisory membership of the State Board of Education.

SECTION 8.19. Speech and Language Pathology Caseloads and Severity Rating Scales (Yongue) – The Committee may study the implementation of caseload limits for speech and language pathologists who are serving State-identified speech and language-impaired children. The Committee may also study the implementation of a severity rating scale for speech and language-impaired children.

SECTION 8.20. Participation of Nonpublic Students in Public School Extracurricular Activities (H.B. 823 – Decker) – The Committee may study the participation of nonpublic school students and home school students in extracurricular activities at public schools.

SECTION 8.21. Higher Education Residency Requirements (H.B. 1279 – Allred) – The Committee may study the current requirements to qualify as a North Carolina resident for tuition purposes.

PART IX. REVENUE LAWS STUDY COMMITTEE

SECTION 9.1. The Revenue Laws Study Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to

the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 9.2. Compliance With Tax Laws - The Committee may study proposals for improving compliance with State tax laws. The study shall include an evaluation of how existing data may be used to identify businesses that underreport income or sales, retailers that misuse certificates of resale, and taxpayers that use other methods to avoid complying with the tax laws.

SECTION 9.3. Travel and Tourism Capital Incentive Grants (S.B. 1050 – Metcalf) – The Committee may study whether a travel and tourism capital incentive grant program should be established.

SECTION 9.4. Credit Card Solicitation (S.B. 800 – Bingham, Warren, Weinstein) – The Committee may study the issue of credit card solicitation in this State.

SECTION 9.5. Apportionment Formula (H.B. 1231 – Hensley) – The Committee may study the formula used to apportion the income of multistate corporations to this State, including the elimination of the double-weighted sales factor.

PART X. JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE

SECTION 10.1. The Joint Legislative Health Care Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 10.2. Medical Services to Persons With Disabilities (S.B. 766 – Carpenter of Macon, Lucas) – The Committee may study the delivery of medical services to persons with disabilities.

SECTION 10.3. Prescription Drugs (Kinnaird, Purcell) – The Committee may study the following issues relating to prescription drugs:

(1) The increasing cost of prescription drugs and approaches to controlling these costs effectively.

(2) The impact of the increasing cost of prescription drugs on the State Medical Assistance program and other programs administered by the State that are directly or indirectly affected by the increasing costs of prescription drugs and possible approaches to reducing these costs.

(3) The impact of increasing costs and the high utilization of prescription drugs by seniors and the disabled, the resulting decline in access to prescription drugs by seniors and the disabled, and approaches the State may adopt to make drug coverage more accessible and affordable to seniors and the disabled.

(4) Ways to improve the health of elderly and disabled persons through reviewing their prescription drug regimens, identifying possible conflicting drugs, offering education and counseling in the use of drugs, and proposing affordable substitutes.

(5) Ways to facilitate and enhance assessment of drug regimens by qualified persons so that individual consent is obtained and privacy protected.

(6) Ways to fund reasonable costs associated with assessment, management, and counseling services.

(7) How to maximize federal support for enhancing access and management assistance to elderly and disabled persons who are not currently eligible for Medicaid or receiving prescription drug coverage under Medicare or other health insurance.

(8) How to establish public/private partnerships via cooperative agreements between and among hospitals, health care providers, and pharmacists, statewide and at the community level, to enhance access and provide assessment, management, and counseling services.

(9) How to ensure that pharmacy services are available in rural areas where there are few retail pharmacies.

(10) A cost-benefit analysis for providing assessment, management, and care management services for eligible elderly and disabled persons.

(11) Where programs to improve access and management assistance could be most effectively located, such as pharmacies, community organizations, or other appropriate locations.

(12) Ways of educating and counseling elderly and disabled persons on preventive health care measures.

SECTION 10.4. County Share of the Cost of Medicaid ~~(Rand) The Commission~~(Rand; H.B. 1251 - Goodwin) – The Committee may study the county share of the cost of Medicaid, including the benefits, legal implications and respective services costs of the Medicaid program, and the associated costs implications and capability by counties to generate sufficient revenue. Any findings as a result of this study shall include strategies and recommendations targeted to eliminating or equalizing county costs and lessening the State's fiscal burden.

SECTION 10.5. Long-Term Care Aide Workforce Issues (S.B. 180 – Purcell; H.B. 244 – Earle) – The Committee may study workforce issues pertaining to the long-term care aide workforce.

PART XI. UNDERAGE DRINKING STUDY COMMISSION (S.B. 821 – Rand; H.B. 1275 – Alexander, Goodwin)

SECTION 11.1. Commission Established. – There is established an Underage Drinking Study Commission.

SECTION 11.2. Membership. – The Commission shall be composed of 15 members as follows:

(1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) Four members of the Senate appointed by the President Pro Tempore of the Senate.

(3) Three members appointed by the Governor, two of whom shall be representatives of the law enforcement community, and one of whom shall be a representative of the business community.

(4) Two members of the public appointed by the Speaker of the House of Representatives, one of whom shall have expertise in juvenile alcohol and drug abuse and addiction, and one of whom shall be a representative of the primary or secondary education community.

(5) Two members of the public appointed by the President Pro Tempore of the Senate, one of whom shall be familiar with how underage persons actually obtain alcoholic beverages, and one of whom shall be a representative of the primary or secondary education community.

SECTION 11.3. Secretaries of Health and Human Services, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention. – The Commission shall invite the Secretary of Health and Human Services, the Secretary of Crime Control and Public Safety, and the Secretary of Juvenile Justice and Delinquency Prevention to attend each meeting of the Commission and encourage their participation in the Commission's deliberations.

SECTION 11.4. Duties of Commission. – The Commission shall study the following matters related to alcohol consumption by persons under the age of 21:

(1) Commercial availability. – The Commission shall review the laws regulating the sale and consumption by persons under the age of 21; types and locations of commercial outlets that are likely sites for youth purchases; serving and selling practices that reduce the likelihood of illegal sales, including server/seller licensing, minimum age to sell or serve alcohol, and minimum age to enter bars; comprehensive compliance check enforcement programs; controls on price and promotion of alcohol to discourage underage consumption; and appropriate administrative, criminal, and civil penalties for violating commercial availability statutes.

(2) Social and public availability. – The Commission shall review the noncommercial sources of alcohol available to persons under the age of 21, including kegs, third-party sales for underage persons, teen parties, off-campus parties, and public places; methods of reducing noncommercial settings for youth consumption; and appropriate administrative, criminal, and civil penalties for violating noncommercial availability statutes.

(3) Restricting youth possession. – The Commission shall review restrictions on possession of alcohol by persons under the age of 21; false identification statutes; and appropriate administrative, criminal, and civil penalties for youth offenders that deter underage consumption behavior.

(4) Other underage alcohol consumption issues. – The Commission may study any other underage drinking-related issue approved by the cochairs or recommended by either the Secretary of Health and Human Services, the Secretary of Crime Control and Public Safety, or the Secretary of Juvenile Justice and Delinquency Prevention and approved by the cochairs.

(5) The Commission shall evaluate current laws related to the aforementioned areas, specifically as to whether the laws address high-risk settings or activities that are associated with serious harm, deter unwanted behavior, and are efficiently and effectively enforced. The Commission shall recommend changes to reduce the access and availability of alcohol to persons under the age of 21 and to deter adults from providing alcohol to underage persons.

SECTION 11.5. Vacancies. – Any vacancy on the Commission shall be filled by the appointing authority.

SECTION 11.6. Cochairs. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be eight members.

SECTION 11.7. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 11.8. Staff. – Upon the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to the Commission to aid its work.

SECTION 11.9. Consultants. – The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 11.10. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 11.11. Meeting Location. – The Commission shall meet at various locations around the State in order to promote greater public participation in its deliberations. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building.

SECTION 11.12. Report. – The Commission shall submit an interim report to the Joint Legislative Commission on Governmental Operations on or before May 1, 2002. The Commission shall submit a final report to the Joint Legislative Commission

on Governmental Operations by December 1, 2002. Upon the filing of its final report or on December 1, 2002, whichever occurs earlier, the Commission shall terminate.

SECTION 11.13. Funding. – From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission.

PART XII. JOINT SELECT COMMITTEE ON INFORMATION TECHNOLOGY STUDY (S.B. 991 – ~~Rand; Reeves)~~Rand, Reeves; H.B. 1101 – Baddour)

SECTION 12.1. The Joint Select Committee on Information Technology may study issues related to personal privacy and security in electronic commerce. If it undertakes this study, the Committee shall examine issues related to protections for personal privacy and security, including the following:

(1) Privacy protection and security of nonpublic personal financial information.
(2) Privacy protection and security of personal consumer information.
(3) Privacy protection and security of personal information collected on students by or through schools and their contractors.
(4) Privacy protection and security of Internet use and use of electronic messaging.
(5) Privacy protections and security for children online.
(6) Privacy protection and security of medical records and personal health information.
(7) Privacy protection and security of personal insurance information.
(8) Privacy protection and security of personal information collected by the State.
(9) Privacy protection and security of credit card numbers on credit card receipts.
(10) Adequacy of the State's computer "hacking" laws.
(11) The potential interplay between federal security proposals and personal privacy considerations.

SECTION 12.2. The Committee may report to the 2002 Regular Session of the 2001 General Assembly or to the 2003 General Assembly on its findings and may make any legislative recommendations it considers appropriate.

PART XIII. JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDIES

SECTION 13.1. The Joint Legislative Transportation Oversight Committee may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 13.2. Commission Contract Agent Study (S.B. 27 – Hoyle; H.B. 21 – Barbee, Sutton). – The Committee may study the following:

(1) Review the history and policies that led to the enactment of G.S. 20-63(h) providing for contracts for the issuance of registration plates and certificates.

(2) Study the current implementation and consequences of the provisions of G.S. 20-63(h).

(3) Study how registration plates and certificates are issued in other states.

(4) Study the implications and potential effects on the contract agents of the authority of the Division of Motor Vehicles to use electronic applications and collections authorized in G.S. 20-63(i).

(5) Study any other factors it deems relevant related to the use of contract agents for the issuance of registration plates and certificates.

(6) Make findings and recommendations on improving the services related to the issuance of registration plates and certificates to the citizens of North Carolina while reducing the costs to the State.

SECTION 13.3. Improving Compliance With Vehicle Registration Requirements (Rand) – The Committee may study methods to improve compliance with vehicle registration requirements. If it undertakes this study, the Committee shall:

(1) Review requirements in other states for reissuing license plates;

(2) Compare the cost of reissuing license plates in other states with the additional revenues raised from reissuing license plates;

(3) Determine the cost of reissuing license plates in this State;

(4) Examine the potential to increase revenues by reissuing license plates in this State; and

(5) Review methods for adopting license plate design and alternatives to the current method of adopting license plate designs.

SECTION 13.4. Substandard Subdivision Roads (H.B. 601 – Brubaker) – The Committee may study subdivision roads that do not meet the standards for acceptance onto the State highway system to determine the cost for the Department of Transportation to minimally upgrade and maintain those roads.

SECTION 13.5. Transportation Funding Equity (H.B. 945 – Barnhart) – The Committee may study matters related to transportation funding, including The Highway Trust Fund Act of 1989, current planning and funding procedures, transportation system maintenance, public transportation, Highway Fund transfers, and transportation spending.

PART XIV. ENVIRONMENTAL REVIEW COMMISSION STUDIES

SECTION 14.1. The Environmental Review Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

SECTION 14.2. Appointment of Local Health Directors (S.B. 1033 – Albertson) The Commission, in consultation with the Public Health Study Commission, may study issues related to the appointment of local health directors. The Environmental Review Commission may specifically examine the relationships among

local health directors, local boards of health, and boards of county commissioners in the appointment and evaluation of local health directors. The Environmental Review Commission may also examine the benefits of expanding to the boards of county commissioners of all 100 counties the authority of certain boards of county commissioners under G.S. 153A-77.

SECTION 14.3. Expanding Land and Water Conservation Options in North Carolina (Albertson, Lucas, Odom) – The Commission may study strategies to attain the State's goal of preserving a million acres of open space over the next 10 years, and the long-term protection and restoration of water quality. If it undertakes this study, the Commission shall consider:

(1) The expansion of existing State and local incentives that will encourage private stewardship and conservation of farmland, forestland, riparian buffers, wetlands, natural areas, historic sites, open spaces, and waters.

(2) Additional State and local incentives that will encourage private stewardship and conservation of land and water.

(3) The adequacy of and existing coordination among the Natural Heritage Trust Fund, Parks and Recreation Trust Fund, Farmland Preservation Trust Fund, and the Clean Water Management Trust Fund in protecting water quality, preserving the natural and cultural heritage of the State, and preserving farmland and open space.

(4) State and local alternatives for financing options to achieve the State's goal of preserving a million acres of open space, and the goals of the Natural Heritage Trust Fund, Parks and Recreation Trust Fund, Farmland Preservation Trust Fund, and the Clean Water Management Trust Fund.

SECTION 14.4. Interconnection of Public Water Systems (S.B. 1019 – Hartsell) – The Commission may study requiring the interconnection of public water systems or wastewater systems to regional systems and requiring that reasonable alternatives be reviewed before constructing or altering a public water system. If it undertakes this study, the Commission shall consult with the Commission to Address Smart Growth, Growth Management, and Development Issues.

SECTION 14.5. Stormwater Programs and Policies (Reeves) – The Commission may study the programs, policies, and strategies necessary to attain the State's goal of preventing environmental degradation of the State's water and groundwater resources, particularly due to stormwater impacts. If it undertakes this study, the Commission shall:

(1) Survey the State's waters located in developed areas to identify the threat, if any, posed to those waters by sedimentation and erosion resulting from construction and other land-disturbing activities.

(2) Determine the appropriate role of local governments in reducing surface runoff of waters and erosion of soil to waters of the State.

(3) Survey the State's waters located in undeveloped areas for the purpose of developing a hydrographic baseline for those areas in order to establish stormwater standards for undeveloped areas that preserve the predevelopment hydrography of the area to the extent it is scientifically and economically feasible.

(4) Determine how the General Assembly can better support the work of the Sedimentation Control Commission.

(5) Study the current mandatory standards for land-disturbing activities and determine if any changes need to be made to those standards.

(6) Consider other existing water quality rules, programs, plans, and permits.

(7) Study other topics related to the State's stormwater programs and policies it considers appropriate.

SECTION 14.6. Abandoned Mobile Homes (Harris) – The Commission may study the solid waste issues related to the abandonment and improper disposal of mobile homes. In conducting this study, the Commission should develop an estimate of the number of abandoned mobile homes in the State, identify the adverse environmental and public health impacts that result from failure to properly dispose of mobile homes, and identify the preferred means of disposal of mobile homes, including environmentally friendly disposal methods such as recycling. The Commission may also evaluate the means by which the State and local governments can discourage or prevent the abandonment and improper disposal of mobile homes in the State and facilitate the environmentally friendly disposal of mobile homes.

SECTION 14.7. Alternative Energy Sources (S.B. 1007 – Albertson; ~~Warwick,~~H.B. 1300 – Warwick; Weiss) – The Commission may study the availability and use of alternative energy sources in North Carolina, including the use of biomass resources. If it undertakes this study, the Commission shall gather data and other information as may be necessary to accomplish the purposes of the Commission and shall work cooperatively with other boards, commissions, and entities, taking advantage of their resources and activities for the provision of useful information and insight. In the course of its study, the Commission may seek input and advice from the Utilities Commission, the Department of Environment and Natural Resources, the Department of Agriculture and Consumer Services, the Attorney General, the Public Staff of the Utilities Commission, and the Energy Policy Council of the Department of Administration. The Commission may also review alternative energy activities conducted in other states and may solicit the participation of appropriate federal agencies and foreign governments.

In the course of its study and in making its recommendations, the Commission may consider the following subjects:

(1) Methods to encourage the use of alternative energy sources, such as tax incentives, alternative energy portfolio standards, system benefit programs, and product offerings to retail electricity customers.

(2) Barriers to distribution and market entry for alternative energy generators.

(3) Federal and State regulatory jurisdiction with respect to electric utilities, including potential conflicts and ways to address those conflicts.

(4) Environmental benefits and impacts associated with alternative energy generation.

(5) Assurance of fairness and equity among all electricity customer classes and electric power providers.

(6) Potential benefits to rural areas of the State and to agricultural economic development.

(7) Sources of funds that could be used to encourage the use of alternative energy sources.

(8) Other relevant and appropriate subjects, as determined by the Commission.

PART XV. COMMISSION ON GOVERNMENTAL OPERATIONS STUDY (Kinnaird)

SECTION 15.1. The Joint Legislative Commission on Governmental Operations may study reducing government costs by duplex printing, eliminating unnecessary printing, centralizing printing where possible, taking advantage of current print and mail facilities, streamlining print processes, and creating a statewide print and delivery strategy to eliminate redundant printing and delivery. The Commission may report its findings and recommendations to the 2002 Regular Session of the 2001 General Assembly, or to the 2003 General Assembly.

PART XVI. STUDY OF CATAWBA-WATEREE RIVER BASIN WATER QUALITY AND WATER SUPPLY ISSUES (Clodfelter, Odom)

SECTION 16.1. The Secretary of the Department of Environment and Natural Resources, in cooperation with the Director of the South Carolina Department of Health and Environmental Control, shall study strategies and mechanisms to promote better coordination of the activities of the two states on water quality and water supply within the Catawba-Wateree River basin. This study may include the following topics:

(1) The need for and development of a memorandum of agreement between North and South Carolina to ensure cooperation, coordination and integrated management in addressing issues related to the basin, all within the framework of currently existing programs and agencies of the two states.

(2) The development of a shared model and common procedures for use by both states in collecting and reporting data and information concerning water quality and water supply within the entire basin.

(3) The desirability and feasibility of establishing joint, basinwide goals, policies, planning and implementation tools, and the desirability of

different types of decision-making structures for accomplishing the joint activities.

(4) Any other related topics.

The Secretary shall submit a report on the results of this study, including any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly.

PART XVII. STATE BUSINESS INFRASTRUCTURE STUDY (Reeves, Tolson)

SECTION 17.1. The Office of State Controller, with assistance from the Office of State Budget and Management, the Office of Information Technology Services, and the Office of State Personnel, shall engage a qualified consulting firm through the Information Technology Services Technical Services Contract to determine the feasibility of developing and implementing a new financial business infrastructure for the State. This study shall include:

(1) A high-level inventory and assessment of the business systems and subsystems that provide financial, human resources, and payroll information and support to programs in State government.

(2) An assessment of the existing integration capabilities of these systems and the estimated costs of the current integration, or the costs to integrate these systems where that capability does not currently exist.

(3) The feasibility of implementing a financial business infrastructure that would include integrated operations for budgeting, accounting, payroll, human resources, revenue collection, cash management, investments, and other business functions of State government.

(4) A preliminary risk assessment of implementing a new financial business infrastructure.

(5) An estimate of the cost to develop a Request for Proposal and to design and implement such a financial business infrastructure.

SECTION 17.2. The Director of the Budget may identify funds to support this study. This provision shall not apply to The University of North Carolina constituent institutions or to the constituent institutions of the North Carolina Community Colleges System.

SECTION 17.3. The Office of State Controller shall present an interim report of the study prescribed in this section to the 2002 Regular Session of the 2001 General Assembly, and shall submit a final report to the 2003 General Assembly, Regular Session 2003.

PART XVIII. ~~AMEND LAW REQUIRING STATE AGENCIES TO FURNISH DATA AND INFORMATION TO LEGISLATIVE COMMITTEES AND REGARDING INTERIM COMMITTEE ACTIVITY~~NATURAL HERITAGE AREA DESIGNATION COMMISSION (H.B. 1271 – Haire, Nesbitt)

SECTION 18.1. ~~G.S. 120-19 reads as rewritten:~~The General Assembly finds that the following physical and cultural features in the mountain region of Western North Carolina are of national significance:

~~"§ 120-19. State officers, etc., upon request, to furnish data and information to legislative committees,committees or commissions.~~

~~Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the State are required to give to any committee of either house of the General Assembly, or any committee or commission whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, upon request, all information and all data within their possession, or ascertainable from their records. This requirement is mandatory and shall include requests made by any individual member of the General Assembly or one of its standing committees or the chair of a standing committee."~~(1) The Great Smoky Mountains National Park is the most visited national park in America.

(2) The Blue Ridge Parkway is the nation's longest scenic highway.

(3) The Joyce Kilmer Memorial Forest is the last remaining stand of virgin timber in the eastern United States.

(4) The Linville Gorge wilderness area is the first wilderness in the eastern United States and the deepest gorge east of the Mississippi River.

(5) Mount Mitchell is the highest mountain in the eastern United States.

(6) The New River is the second oldest river in the world and was designated as an American Heritage River in 1998.

(7) Fontana Dam is the highest dam in eastern America that was built by the Tennessee Valley Authority and is known as one of the country's greatest engineering feats in history.

(8) Grandfather Mountain is the oldest mountain in the eastern United States, was designated as an International Biosphere Reserve by the United Nations, and is the only mountain that is privately owned.

(9) The Cherokee Indian Qualla Boundary is the home of the Eastern Band of the Cherokee Indians, and the Trail of Tears is a National Heritage Trail.

(10) Roan Mountain is the world's largest natural Catawba rhododendron garden.

(11) The Appalachian Trail is the longest national hiking trail in the United States.

(12) Whiteside Mountain has the highest cliffs of perpendicular bare rock east of the Rockies.

(13) The Nantahala River is the most popular white-water rafting river in America.

(14) The Biltmore Estate is America's largest private residence.

(15) The Cradle of Forestry in America National Historic Site is the first forestry school in America.

(16) The Cherohala Skyway is a National Scenic Byway.

(17) The Carl Sandburg Home is a National Historic Site.

SECTION 18.2. ~~G.S. 120-19.6 reads as rewritten:~~The General Assembly further finds that:

~~"§ 120-19.6. Interim committee activity; rules.~~

~~(a) Upon a general directive by resolution of the house in question or upon a specific authorization of either the Speaker of the House, President of the Senate, President pro tempore~~ Pro Tempore of the Senate or the Speaker ~~pro tempore~~ Pro Tempore of the House, any standing committee, select committee or subcommittee of either house of the General Assembly is authorized to meet in the interim period between sessions or during recesses of the General Assembly to consider specific bills or resolutions or other matters properly before the committee. No particular form of authority is needed, but this section is intended to promote better coordination by having a system of authorization for meetings of the committees of the General Assembly between sessions or during recesses. Meetings will be held in Raleigh, but with the approval of the Speaker or Speaker ~~pro tempore,~~ Pro Tempore, a House committee may meet elsewhere; and with the approval of the President or President ~~pro tempore,~~ Pro Tempore, a Senate committee may meet elsewhere. In addition, committees may meet at such places as authorized by specific resolution or action of either body of the ~~General Assembly.~~

~~(a1) The Speaker of the House or the President Pro Tempore of the Senate may authorize, in writing, the creation of interim study committees to study and investigate governmental agencies and institutions and matters of public policy to assist that chamber in performing its duties in the most efficient and effective manner. The Speaker of the House or the President Pro Tempore of the Senate may appoint members of the relevant chamber, State officers and employees, and members of the public to the interim study committee. An interim study committee created under this subsection shall be deemed a committee of the relevant chamber for the purposes of this Article. Interim study committee members who are State officers and employees or members of the public shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.~~

~~(b) In all other respects, committees shall function in the interim period between sessions or during recesses in the same manner and under the rules generally applicable to committees of the house in question of the General Assembly during the session of the General Assembly.~~

~~(c) Any committee during the interim period that meets upon specific authorization of the Speaker of the House, President of the Senate, President pro tempore~~ Pro Tempore of the Senate or Speaker ~~pro tempore~~ Pro Tempore of the House ~~shall limit its activities to those matters contained in the authorization, and shall suspend its activities upon written directive of such officer. Any interim committee that meets upon a directive by resolution of the house in question of the General Assembly shall limit its activities to those matters contained in the authorization."~~

~~**PART XIX. BILL AND RESOLUTION REFERENCES**~~(1) The National Park Service's definition of a National Heritage Area is a place designated by Congress where natural, cultural, historic, and

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scenic resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in them. Continued use of the National Heritage Area by people whose traditions helped to shape the landscape enhances their significance.

(2) Designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area would recognize the nationally distinctive landscape of this area and the role of this distinctive landscape in defining the collective American cultural landscape. The natural, cultural, historic, and recreation resources in this 23-county region combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. These patterns make the mountain region of Western North Carolina representative of the national experience through the physical features that remain and the traditions that have evolved in the area. Continued use of this area by people whose traditions helped to shape the landscape enhances its significance.

(3) Since 1916, the National Park Service has been the federal agency responsible for preserving nationally significant natural and historic resources for present and future generations.

(4) The National Park Service provides technical expertise to assist in all stages of the process for seeking designation as a National Heritage Area.

(5) Congress has designated 18 National Heritage Areas.

(6) Residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area are interested and committed to completing the suitability and feasibility study that must be completed prior to Congress's designating a National Heritage Area.

(7) The National Heritage Area designation by the United States Congress for the 23-county mountain region of Western North Carolina would help to preserve and celebrate the uniqueness of this area and its defining landscape in North Carolina and offers the potential to ensure key educational and inspirational opportunities in perpetuity, without compromising traditional local control over, and use of, the landscape.

SECTION 18.3. As used in this act, "23-county mountain region" means the following 23 counties, which are the counties designated to be served by the Western North Carolina Regional Economic Development Commission under G.S. 158-8.1: Alleghany, Ashe, Avery, Burke, Buncombe, Caldwell, Cherokee, Clay, Graham,

Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, Wilkes, and Yancey.

SECTION 18.4. The National Heritage Area Designation Commission is created. This Commission shall consist of 17 members, to be appointed as follows:

(1) Two members shall be appointed by the President Pro Tempore of the Senate.

(2) Two members shall be appointed by the Speaker of the House of Representatives.

(3) Two members shall be appointed by the Governor.

(4) One member shall be appointed by the Lieutenant Governor.

(5) One member shall be appointed by the Commissioner of Agriculture.

(6) One member shall be appointed by the Secretary of Cultural Resources.

(7) One member shall be appointed by the Secretary of Commerce.

(8) Three members shall be appointed by the Western North Carolina Regional Economic Development Commission, created in G.S. 158-8.1.

(9) Three members shall be appointed by the regional host organizations: one member from the Blue Ridge Mountain Host, Inc., one member from the North Carolina High Country Host, Inc., and one member from the Smoky Mountain Host of North Carolina, Inc.

(10) One member shall be appointed by the Principal Chief of the Eastern Band of the Cherokee Nation.

SECTION 18.5. In addition, the following five individuals shall serve as ex officio, nonvoting members of the Commission:

(1) The Superintendent of the Great Smoky Mountains National Park.

(2) The Superintendent of the Blue Ridge Parkway.

(3) The District Supervisor of each of the following: the Pisgah National Forest, the Nantahala National Forest, and the Cherokee National Forest.

SECTION 18.6. The National Heritage Area Designation Commission shall seek designation by the United States Congress of the North Carolina Appalachian Heritage Area, the 23-county mountain region of Western North Carolina, as a National Heritage Area. The Commission also shall develop and complete a suitability and feasibility study, a critical step prior to Congress's designating a National Heritage Area. The Commission shall elicit public involvement in the study and interest and commitment in the proposal by residents, business interests, nonprofit organizations, and governments within the proposed National Heritage Area.

SECTION 18.7. The Speaker of the House of Representatives shall select one member to serve as cochair. The President Pro Tempore of the Senate shall select one member to serve as cochair. A majority of the Commission shall constitute a quorum for the transaction of business.

SECTION 18.8. Members initially appointed under subdivisions (1), (4), (5), (6), and (8) of 18.4 of this part shall serve a one-year term. All other members under subsection (a) of this section shall serve a two-year term. Commission members who are also General Assembly members may complete a term of service on the Commission even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly shall result in removal from the Commission. A member continues to serve until a successor is appointed. A vacancy shall be filled within 30 days and shall be filled by the same appointing officer who made the original appointment. Members of the Commission who are State employees shall receive travel expenses under G.S. 138-6. Other members of the Commission shall receive travel expenses under G.S. 138-5.

SECTION 18.9. Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall provide administrative and funding support to the National Heritage Area Designation Commission.

SECTION 18.10. Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall develop a regional heritage tourism plan and shall present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002.

PART XIX. COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES STUDY OF DATE RAPE DRUG ANALOGUES (S.B. 938 – Foxx)

SECTION 19.1. The ~~listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.~~

Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services may study controlled substance analogues used as "date rape drugs". The Commission shall determine whether those substances should be added to the schedules for controlled ~~**PART XX. EFFECTIVE DATE AND APPLICABILITY**~~substances as provided under G.S. 90-88, except that G.S. 90-88(e) shall not apply to this study or be a factor in the Commission's determination.

For purposes of this section, the term "analogue" means a substance other than a controlled substance that is intended for human consumption and that either has a chemical structure substantially similar to a controlled substance in Schedules I, II, or III of Chapter 90 of the General Statutes or that produces an effect substantially similar to that of a controlled substance in Schedules I, II, or III as set out in Chapter 90 of the General Statutes.

SECTION 19.2. The Commission may report its findings and recommendations to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services prior to the convening of the 2003 General Assembly.

PART XX. JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE STUDY (S.B. 367 – Hoyle)

SECTION 20.1. The Joint Legislative Administrative Procedure Oversight Committee may study the applicability of the Administrative Procedure Act to the North Carolina Federal Tax Reform Allocation Committee and the North Carolina Housing Finance Agency and may report to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

PART XXI. SENTENCING AND POLICY ADVISORY COMMISSION STUDIES

SECTION 21.1. The North Carolina Sentencing and Policy Advisory Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

SECTION 21.2. Second Degree Arson Penalty Study (H.B. 123 – Russell) – The Commission may study the State's criminal laws with regard to arson and other burnings and whether conforming changes to the statutory medical reporting requirements regarding burn injuries that appear to result from a criminal act are needed.

SECTION 21.3. Habitual Felon Law Study (H.B. 1151, H.B. 1152 – Michaux) – The Commission may study the habitual felon law to determine whether any changes are needed.

SECTION 21.4. Drug Offenses (H.J.R. 1420 – Carpenter of Haywood) – The Commission may study the laws regarding drug offenses and the current sentencing guidelines for those offenses.

SECTION 21.5. Penalties for Detonation of Explosive Devices (Goodwin) – The Commission may study whether the State's penalties for detonation of explosive devices within courthouses and other public buildings should be enhanced. The Commission may include as a part of its study and recommendations all of the provisions in Article 13 of Chapter 14 of the General Statutes.

PART XXII. LONG-TERM CARE LOCAL LEAD AGENCY STUDY (S.B. 166 – Dannelly; H.B. 161 – Insko)

SECTION 22.1. The Department of Health and Human Services, Division of Aging, shall study whether counties should designate local lead agencies to organize a local long-term care planning process, as described in Recommendation #10 of the Institute of Medicine's (IOM) Long-Term Care Task Force Interim Report of June 30, 2000. In conducting the study, the Department shall consider how a lead agency for long-term care planning at the local level would relate to other requirements for county planning and long-term care. The Department shall report its findings and recommendations to the North Carolina Study Commission on Aging on or before the convening of the 2003 General Assembly. The report shall specifically address the IOM Task Force recommendation and rationale pertaining to local planning and long-term care services.

PART XXIII. DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY

SECTION 23.1. Eliminate Disparities in Health Care (S.B. 391 – Forrester, Lucas) – The Department of Health and Human Services shall study disparities among

ethnic and racial minorities in the health care system and shall make recommendations on ways to eliminate disparities in and barriers to health care for ethnic and racial minorities. The Department may report to the 2002 Regular Session of the 2001 General Assembly upon its convening and shall make its report to the 2003 General Assembly. The Department shall provide a copy of the report to the cochairs of the Health Care Oversight Committee.

PART XXIV. BOARD OF GOVERNORS STUDY

SECTION 24.1. Fayetteville State Stadium (Rand, McAllister) – The Board of Governors of The University of North Carolina may study the feasibility of building a new stadium at Fayetteville State University. The Board may report its findings and recommendations to the Joint Legislative Education Oversight Committee by April 1, 2002.

PART XXV. HOUSE SELECT COMMITTEE ON VARIOUS ENVIRONMENTAL RULES (Warwick)

SECTION 25.1. Committee Created. – The House Select Study Committee on Various Environmental Rules is created. The purpose of the House Select Study Committee on Various Environmental Rules is to determine:

(1) The effect of certain environmental impacts upon tourism in the State.

(2) The involvement of appropriate locally elected officials in the rule-making process regarding the environmental rules subject to study under Section 3 of this resolution, whether there should be more involvement by locally elected officials, and, if so, what specific acts of involvement.

(3) Whether an economic impact statement should be prepared for any proposed rule that is subject to study under Section 3 of this resolution, and, if so, whether an economic impact statement should take into account the county or the region of the State affected by the proposed rule.

(4) The working relationships among boards, commissions, or authorities that adopt any rules subject to study under Section 3 of this resolution.

(5) The extent to which property owners are unduly burdened by rules subject to study under Section 3 of this resolution.

SECTION 25.2. Membership. – The Speaker of the House of Representatives shall appoint 11 members of the House of Representatives to serve as members of the House Select Study Committee on Various Environmental Rules. In the event a vacancy occurs on the Committee, the Speaker of the House of Representatives shall appoint a replacement from the members of the House of Representatives.

SECTION 25.3. Study. – The House Select Study Committee on Various Environmental Rules may study any current rule adopted by, or any rule proposed by, the Environmental Management Commission or by the Coastal Resources Commission under the Coastal Area Management Act of 1974, Article 7 of Chapter 113A of the

General Statutes, regarding the following subjects as well as the process whereby any such rule is adopted:

(1) The creation, preservation, maintenance, and restoration of riparian buffers, buffers along lake shorelines, or buffers along the North Carolina coast.

(2) Control of erosion and sedimentation resulting from the Department of Transportation engaging in land-disturbing activities.

(3) The process of obtaining an air quality permit.

(4) Any other current rule adopted by, or any rule proposed by, the Environmental Management Commission or by the Coastal Resources Commission under the Coastal Area Management Act of 1974, Article 7 of Chapter 113A of the General Statutes, that the Committee determines is appropriate for study.

SECTION 25.4. Report. – The House Select Study Committee on Various Environmental Rules shall submit a final report of its findings and recommendations by February 1, 2003, to the General Assembly. The Committee may also make an interim report, including recommended legislation, to the 2002 Regular Session of the 2001 General Assembly. The report may include draft legislation to implement its recommendations along with an analysis of the fiscal impact of each recommendation. The Committee shall terminate upon filing its final report.

SECTION 25.5. Expenses of Members. – Members of the House Select Study Committee on Various Environmental Rules shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

SECTION 25.6. Cochairs; Meetings. – The Speaker of the House of Representatives shall designate two cochairs of the House Select Study Committee on Various Environmental Rules from among the respective appointees. The Committee shall meet upon the call of the cochairs. A majority of the members of the Committee shall constitute a quorum.

The Committee may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

SECTION 25.7. Staff. – The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the House Select Study Committee on Various Environmental Rules in its work. The House of Representatives Supervisor of Clerks shall assign clerical staff to the Committee, and the expenses related to the clerical employees shall be borne by the Committee.

SECTION 25.8. Powers. – The House Select Study Committee on Various Environmental Rules, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4.

SECTION 25.9. Cooperation by Government Agencies. – The House Select Study Committee on Various Environmental Rules may call upon any department,

agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance.

PART XXVI. GENERAL STATUTES COMMISSION STUDY OF MOTOR VEHICLE STATUTES (Weatherly)

SECTION 26.1. The General Statutes Commission may study renumbering, rearranging, and consolidating the provisions of Chapter 20 of the General Statutes. The Commission may report its findings and recommendations to the 2003 General Assembly and to the 2005 General Assembly.

PART XXVII. LEGISLATIVE SERVICES COMMISSION STUDY OF SECURITY SURVEY (H.J.R. 1267 – Wright)

SECTION 27.1. The Legislative Services Commission shall examine the Security Survey of the North Carolina General Assembly Complex, conducted by the United States Secret Service, and make recommendations on implementing its recommendations. A report may be made to the 2002 Regular Session of the 2001 General Assembly and shall be made to the 2003 General Assembly.

PART XXVIII. PUBLIC HEALTH STUDY COMMISSION STUDIES

SECTION 28.1. The Public Health Study Commission may study the topics listed in this Part and report its findings, together with any recommended legislation, to the 2002 Regular Session of the 2001 General Assembly or to the 2003 General Assembly.

SECTION 28.2. Public Health Impact of Hepatitis C (H.B. 1264 – Wright) – The Commission may study the public health impact of Hepatitis C in this State and the need for programs or policies to enhance education, awareness, detection, and prevention of the disease in the general population.

SECTION 28.3. HIV/AIDS Prevention and Care Programs (H.B. 1405 – Wright) – The Commission may study ways to improve HIV/AIDS prevention and care programs.

SECTION 28.4. Treatment of Rape Victims and Health Care Workers Who Risk HIV Infection (H.B. 1416 – Daughtry) – The Commission may study State law and public policy pertaining to the treatment of rape victims and needle stick health care workers who risk HIV infection.

PART XXIX. REESTABLISH NORTH CAROLINA TAX POLICY COMMISSION

SECTION 29.1. Commission Established. – There is established a North Carolina Tax Policy Commission.

SECTION 29.2. Membership. – The Commission shall consist of 18 members who shall represent, insofar as practicable, the diverse interests and geographic regions of the State and shall include individuals with expertise in tax policy, tax administration, and professional tax practice.

The Speaker of the House of Representatives shall appoint six members, as follows: two members of the General Assembly, one individual nominated by the North

Carolina League of Municipalities, one individual who represents business taxpayers, and two public members.

The President Pro Tempore of the Senate shall appoint six members, as follows: two members of the General Assembly, one individual nominated by the North Carolina Association of County Commissioners, one individual who represents nonbusiness taxpayers, and two public members.

The Governor shall appoint six members, as follows: one individual who represents tax practitioners, one individual who represents nonprofit, charitable organizations, one individual who has demonstrated leadership and expertise in tax policy, one individual who represents senior citizens, one individual who represents small business taxpayers, and one public member.

Vacancies shall be filled by the original appointing authority.

SECTION 29.3. Mission. – The mission of the Commission is to study, examine, and, if necessary, design a realignment of the State and local tax structure in accordance with a clear, consistent tax policy. This mission requires:

(1) Establishing the principles of taxation upon which a sound State and local tax structure should be built for the 21st century.

(2) Examining the current State and local tax structure to determine if it reflects these principles.

(3) Recommending changes in the State and local tax structure to the extent it does, and does not, reflect these benchmark tax principles.

(4) Recommending principles and practices to simplify and consolidate existing taxes to provide uniformity; to ease the administrative burden on the taxpayer; to maximize taxpayers' use of electronic tax payment and reporting methods; and to reduce the costs of collecting and administering taxes.

SECTION 29.4. Duties. – The Commission shall:

(1) Evaluate the current State and local tax base in terms of:

a. Responsiveness of each base to the changing and emerging economies (e.g., from farming and manufacturing to services, commerce, such as Internet sales, and technology).

b. Rates compared to other states.

c. Cost of collecting each tax.

d. Tax burden imposed on individuals and businesses in the State.

e. Principles of taxation reflected in the tax.

(2) Examine all current tax preferences, such as lower rates, exemptions, exclusions, and refunds, to determine their public policy purpose; examine the narrowing of the tax base that is a product of these preferences; and evaluate the resulting impact on taxpayers not eligible for these preferences.

(3) Review tax changes made in the last 10 years to determine their impact on the State compared to their projected impact, and to assess any

economic or demographic conditions on the horizon that may alter their impact.

(4) Examine the impact of changing intergovernmental (federal-State-local) relationships upon funding among levels of government and the resulting impact upon tax policy; and examine how the State, counties, and cities will share a reduced federal funding role, when, in 2003, the Balanced Budget Act takes full effect and federal domestic spending is fully capped.

(5) Examine the impact of changing interlocal, (city/county) service systems and the resulting effect on local tax policy; and examine how area-wide services, such as fire suppression, water and sewer, and recreation, should be financed and allocated.

SECTION 29.5. Report. – The Commission shall submit a final report of its findings and recommendations by March 1, 2003, to the General Assembly, the Governor, and the citizens of the State. The Commission may also make an interim report, including recommended legislation, to the 2002 Regular Session of the 2001 General Assembly, and to the Governor and the citizens of the State. The report shall include draft legislation to implement its recommendations along with an analysis of the fiscal impact of each recommendation. The Commission shall terminate upon filing its final report.

SECTION 29.6. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 29.7. Cochairs; Meetings. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum.

The Commission may meet during a regular or special session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 29.8. Subcommittees. – The Commission may appoint subcommittees of its members and other knowledgeable persons or experts to assist it. It may also appoint a Technical Advisory Board, if deemed desirable by its members to have an ongoing body of technical experts.

SECTION 29.9. Citizen Participation. – The Commission shall establish a process of citizen education and participation that assures the citizens of North Carolina of the opportunity to be informed of and contribute to the work of the Commission.

SECTION 29.10. Staff. – Within funds available, the Commission, after consultation with the Legislative Services Commission, shall employ a full-time

Executive Director who shall report to the Commission and serve at its pleasure. The Executive Director shall be the Chief Executive Officer and may employ additional employees and contract for services, subject to approval of the Commission. Additional staff may be provided to the Commission by the Legislative Services Office.

SECTION 29.11. Powers. – The Commission, while in the discharge of official duties, may exercise all the powers provided under the provisions of G.S. 120-19 through G.S. 120-19.4. The Commission may contract for consultant services as provided by G.S. 120-32.02, including revenue forecasting and estimating services from the Tax Research Division of the Department of Revenue.

SECTION 29.12. Cooperation by Government Agencies. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision of the State for facilities, data, or other assistance.

SECTION 29.13. Funding. – Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Commission. The Commission may apply for, receive, and accept grants of non-State funds, or other contributions as appropriate to assist in the performance of its duties.

PART XXX. JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE STUDIES

SECTION 30.1. Study 911 Funds (S.B. 589 – Dannelly; H.B. 125 – Hall, H.B. 130 – Edwards, H.B. 678 – Buchanan, H.B. 710 – Arnold, H.B. 725 – Culpepper, H.B. 791 – Starnes, H.B. 867 – McLawhorn) – The Joint Legislative Utility Review Committee is authorized to study clarifying and expanding the allowed uses of the money in emergency telephone system funds and making other statutory changes for the purpose of expanding the use of telecommunications systems for public safety purposes. The Committee is authorized to report its findings and recommendations, including any proposed legislation, to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

SECTION 30.2. Improve Air Quality (S.B. 1078 – Metcalf; H.B. 1015 – Nesbitt, Haire) – The Joint Legislative Utility Review Committee is authorized to study requiring reductions in the emissions of certain pollutants from certain facilities that burn coal to generate electricity. The Committee is authorized to report its findings and recommendations, including any proposed legislation, to the 2002 Regular Session of the 2001 General Assembly and to the 2003 General Assembly.

PART XXXI. UNC BOARD OF GOVERNORS STUDY COMMISSION

SECTION 31.1. There is created the UNC Board of Governors Study Commission. The Commission shall consist of 10 members appointed as follows: five by the President Pro Tempore of the Senate and five by the Speaker of the House of Representatives. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each appoint one member to serve as cochair of the Commission. Vacancies on the Commission shall be filled by the appointing authority. The Commission shall meet upon the call of the chairs. A majority of the members of the Commission shall constitute a quorum.

SECTION 31.2. The Commission shall study the method of election or appointment of members of the Board of Governors, the length of members' terms, the number of terms a member may serve, and the size of the Board of Governors. As part of the study, the Commission may examine the governing boards of other states' institutions of higher education. The Commission shall report its findings and any recommendations to the 2003 Regular Session of the General Assembly.

SECTION 31.3. Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

SECTION 31.4. Subject to the approval of the Legislative Services Commission, the Commission may meet in the State Legislative Building or the Legislative Office Building. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist in the work of the Commission. The House of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission. All State departments and agencies and local governments and their subdivisions shall furnish the Commission with information in their possession or available to them. Of the funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds to implement the provisions of this section.

SECTION 31.5. The Commission shall terminate upon the filing of its final report.

PART XXXII. ELECTION LAWS REVISION COMMISSION (Gulley of Durham; H.B. 260 – Alexander, Bonner)

SECTION 32.1. There is created an Election Laws Revision Commission. The Commission shall be composed of 17 members. Twelve members shall be appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint four members, including at least one county board of elections member, with no more than three of the four affiliated with the same political party.

(2) The Speaker of the House of Representatives shall appoint four members, including at least one county elections director, with no more than three of the four affiliated with the same political party.

(3) The Governor shall appoint four members, including at least one county commissioner and at least one minority-party member of the State Board of Elections.

The Chair and the Executive Secretary-Director of the State Board of Elections shall be ex officio members. The State chairs of the three political parties whose nominees for Governor received the largest number of votes in the most recent general election for Governor shall be ex officio members. All members of the Commission, whether appointed or ex officio, shall be voting members.

SECTION 32.2. The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees.

SECTION 32.3. The Election Laws Revision Commission shall study the following:

(1) The election laws, policies, and procedures of the State.

(2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administrating these laws.

(3) The election laws, policies, and procedures of other states and jurisdictions.

(4) Federal and State case rulings impinging on these laws, policies, and practices.

(5) Public funding of election campaigns, including the advisability and proper design of a system to allow public funds to be used to support the campaigns of candidates for Governor, Lieutenant Governor, other Council of State officers, and the General Assembly who agree to abide by fund-raising and spending limits.

(6) APA exemption for the State Board of Elections.

(7) Preference voting and instant second primaries.

SECTION 32.4. The Commission shall prepare and recommend to the General Assembly a comprehensive revision of the election laws of North Carolina that will accomplish the following:

(1) Remove inconsistencies, inaccuracies, ambiguities, and outdated provisions in the law.

(2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections or its Executive Secretary-Director.

(3) Conform the statutory law to State and federal case law and to any requirements of federal statutory law and regulation.

(4) Ensure the efficient and effective administration of elections in this State.

(5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand.

(6) Recodify the election laws, as necessary, to produce a comprehensive, clearly understandable structure of current North Carolina election law, susceptible to orderly expansion as necessary.

SECTION 32.5. With the prior approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Election Laws Revision Commission and may provide for additional staffing by the State Board of Elections, Office of the Attorney General, and the Institute of Government. With prior approval of the State Board of Elections, the Election Laws Revision Commission may hold its meetings in the offices of the State

Board. With the prior approval of the Legislative Services Commission, the Election Laws Revision Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

SECTION 32.6. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 2003 Session of the General Assembly and may submit a report to the 2002 Regular Session of the 2001 General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

SECTION 32.7. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

(1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1.

(2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6.

(3) All other Commission members, at the rate established in G.S. 138-5.

SECTION 32.8. All State departments and agencies, local boards of elections, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

SECTION 32.9. From funds appropriated to the General Assembly, the Legislative Services Commission shall allocate funds for the expenses of the Election Laws Revision Commission.

PART XXXIII. AMEND LAW REQUIRING STATE AGENCIES TO FURNISH DATA AND INFORMATION TO LEGISLATIVE COMMITTEES AND REGARDING INTERIM COMMITTEE ACTIVITY

SECTION 33.1. G.S. 120-19 reads as rewritten:

"**§ 120-19. State officers, etc., upon request, to furnish data and information to legislative ~~committees.~~committees or commissions.**

Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the State are required to give to any committee of either house of the General Assembly, or any committee or commission whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, upon request, all information and all data within their possession, or ascertainable from their records. This requirement is mandatory and shall include requests made by any individual member of the General Assembly or one of its standing committees or the chair of a standing committee."

SECTION 33.2. G.S. 120-19.6 reads as rewritten:

"**§ 120-19.6. Interim committee activity; rules.**

(a) Upon a general directive by resolution of the house in question or upon a specific authorization of either the Speaker of the House, President of the Senate,

President ~~pro tempore~~ Pro Tempore of the Senate or the Speaker ~~pro tempore~~ Pro Tempore of the House, any standing committee, select committee or subcommittee of either house of the General Assembly is authorized to meet in the interim period between sessions or during recesses of the General Assembly to consider specific bills or resolutions or other matters properly before the committee. No particular form of authority is needed, but this section is intended to promote better coordination by having a system of authorization for meetings of the committees of the General Assembly between sessions or during recesses. Meetings will be held in Raleigh, but with the approval of the Speaker or Speaker ~~pro tempore,~~ Pro Tempore, a House committee may meet elsewhere; and with the approval of the President or President ~~pro tempore,~~ Pro Tempore, a Senate committee may meet elsewhere. In addition, committees may meet at such places as authorized by specific resolution or action of either body of the General Assembly.

(a1) The Speaker of the House or the President Pro Tempore of the Senate may authorize, in writing, the creation of interim study committees to study and investigate governmental agencies and institutions and matters of public policy to assist that chamber in performing its duties in the most efficient and effective manner. The Speaker of the House or the President Pro Tempore of the Senate may appoint members of the relevant chamber, State officers and employees, and members of the public to the interim study committee. An interim study committee created under this subsection shall be deemed a committee of the relevant chamber for the purposes of this Article. Interim study committee members who are State officers and employees or members of the public shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

(b) In all other respects, committees shall function in the interim period between sessions or during recesses in the same manner and under the rules generally applicable to committees of the house in question of the General Assembly during the session of the General Assembly.

(c) Any committee during the interim period that meets upon specific authorization of the Speaker of the House, President of the Senate, President ~~pro tempore~~ Pro Tempore of the Senate or Speaker ~~pro tempore~~ Pro Tempore of the House shall limit its activities to those matters contained in the authorization, and shall suspend its activities upon written directive of such officer. Any interim committee that meets upon a directive by resolution of the house in question of the General Assembly shall limit its activities to those matters contained in the authorization."

PART XXXIV. BILL AND RESOLUTION REFERENCES

SECTION 34.1. The listing of the original bill or resolution in this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

PART XXXV. EFFECTIVE DATE AND APPLICABILITY

SECTION 35.1. Except as otherwise specifically provided, this act ~~becomes~~is effective ~~July 1, 2001.~~when it becomes law. If a study is authorized both in this act and the Current Operations Appropriations Act of 2001, the study shall be

implemented in accordance with the Current Operations Appropriations Act of 2001 as ratified.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on Rules, Calendar and Operations of the House.

☒ Committee Substitute for
S.B. 166 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill, ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01

VISITOR REGISTRATION SHEET

Rules — Dec 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Rob Savitt	NCLM
Bill Brooks	NCFPC
Anne Thomas	NCCADV
Patricia A. Young	ARDCNC / ACLU
JB Milliken	UNC
Susan Thomas	NCCCS
Hal Miller	NCAECT
Ellie Caldwell	HCOF, & A
Craig Parker	Forest Hosp.
[illegible]	NCRA
D Mark	TPL
Damico	WSJ
DYER	GNF
Greg Nichols	CCPS

VISITOR REGISTRATION SHEET

Rules — Dec. 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Ruth Sappie	NCDOT
Andy Lomant	NCLM
Emily Lawrence	UNC Chapel Hill
Harry Taylor	NCAHP
Tim Minin	NC HBA
John Poluanto	NFIB
Steve Woodson	Home Builders
Andi Vaj	SEANC

VISITOR REGISTRATION SHEET

Rules — Dec. 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
R. Paul Wilms	NCHBA
Lucius PULLEN	ATTORNEY
S Ransone	NCDSS
John McAlister	Duke Energy
Jim Johnson	FRD
Ken Melton	Alley Associates, Inc.
MIKE JAMES	NCBA
Andy Ellen	NCRMA
Paul Stark	NCBA
Jack McMillan	MFOS PA
L. Rogers	DMVA

VISITOR REGISTRATION SHEET

Rules — Dec. 6, 2001

Name of Committee — **Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Theresa Kosienski	CNA
Ann Carpenter	NCPC
Jerry Hodesty	NCPC
Jim Dyer	NCASA
Carol Lawler	EGHS
Preston Howard	MCIC
Nancy Thompson	MCIC
Michelle Cook	Weyerhaeuser
Bobby Hayes	Roy Rogers
Piggie Potts	NCDC & NCPDA

COMMITTEE ON RULES, CALENDAR AND OPERATIONS OF THE HOUSE

ROOM 421
LEGISLATIVE OFFICE BUILDING
DECEMBER 6, 2001
7:00 P.M.

AGENDA

CALL TO ORDER

CONSIDERATION OF BILLS

HB 456 – CHILD ABUSE IN CHILD CARE FACILITY STUDY-AB

ADJOURNMENT

MINUTES OF THE COMMITTEE ON RULES, CALENDAR
AND OPERATIONS OF THE HOUSE

December 6, 2001

The Committee on Rules, Calendar and Operations of the House met on December 6, 2001 at 7:00 p.m. in the House Members Only Room, and the following members were present: Representatives Culpepper, Chairman; Hackney, Vice Chairman; Allen, Allred, Barefoot, Barnhart, Boyd-McIntyre, Culp Gibson, Gulley, McCombs, Rogers, Setzer, Thompson and Yongue.

The following bill was considered:

HOUSE BILL 456-AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES. A proposed committee substitute was offered and Representative Gulley moved for its adoption. The motion carried. The chairman explained that Section 3 of the proposed committee substitute adds the study of issues related to expungement of information from the Central Registry of Abuse, Neglect or Dependency. Representative Setzer made a motion that the proposed committee substitute be reported without prejudice, unfavorable as to the original bill. The motion carried.

There being no further business, the meeting adjourned at 7:05 p.m.

Representative Bill Culpepper, Chairman

Anne Cole, Acting Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

HOUSE BILL 456

Short Title:	Child Abuse in Child Care Facility Study-AB.	(Public)
Sponsors:	Representatives Hunter; Alexander, Boyd-McIntyre, Goodwin, Morris, and Wainwright.	
Referred to:	Children, Youth and Families, if favorable, Rules, Calendar and Operations of the House.	

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. There is established the Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities. The Commission shall consist of 14 members appointed as follows:

(1) The Speaker of the House of Representatives shall appoint seven members as follows: one member of the House of Representatives, one child care provider, one parent of a child in child care, one pediatrician, one representative of a local law enforcement agency, one representative from the Attorney General's office, and one representative from a medical research facility that deals with children's injuries.

(2) The President Pro Tempore of the Senate shall appoint seven members as follows: one member of the Senate, one child care provider, one director of a local department of social services, one representative from the Division of Facility Services who works with the Health Care Personnel Registry, one representative from the Division of Child Development, one representative from the North Carolina Child Care Commission, and one representative from a local child care resource and referral agency.

SECTION 2. The Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities shall study the investigation process associated with allegations of child abuse and neglect in child care facilities in order to

determine the most effective and efficient means of investigation and to help ensure the safety of children. The study shall specifically include:

(1) Identification of factors which limit the efficiency and effectiveness of investigations of child abuse or neglect in child care facilities conducted by local departments of social services, local law enforcement agencies, and the Division of Child Development.

(2) Determination of the reasons behind the factors identified as limitations to the effectiveness and efficiency of investigations and of the impact these factors have on the safety of children in child care.

(3) Recommendations on ways to make the investigation of child abuse and neglect allegations in child care facilities more effective and efficient. These recommendations may include a revision of the responsibility of the various authorities in investigating these complaints.

(4) Determination of how the safety of children is impacted by the presence of child care workers who are perpetrators in substantiated cases of child abuse or neglect.

(5) Recommendations on the need for work-related sanctions against individual child care workers who are perpetrators in substantiated cases of child abuse and neglect.

(6) Recommendations on the need for a registry of individuals who are perpetrators in substantiated cases of child abuse and neglect. Any such recommendation shall include consideration of who should have access to the registry and how the due process rights of the alleged perpetrators should be protected.

SECTION 3. The Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities shall make an interim report, including any legislative proposals, to the 2002 Regular Session of the 2001 General Assembly and a final report to the 2003 General Assembly.

SECTION 4. This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H D

HOUSE BILL 456
PROPOSED COMMITTEE SUBSTITUTE H456-PCS8282-SW-74

Short Title: Child Abuse in Child Care Facility Study-AB. (Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. There is established the Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities. The Commission shall consist of 14 members appointed as follows:

(1) The Speaker of the House of Representatives shall appoint seven members as follows: one member of the House of Representatives, one child care provider, one parent of a child in child care, one pediatrician, one representative of a local law enforcement agency, one representative from the Attorney General's office, and one representative from a medical research facility that deals with children's injuries.

(2) The President Pro Tempore of the Senate shall appoint seven members as follows: one member of the Senate, one child care provider, one director of a local department of social services, one representative from the Division of Facility Services who works with the Health Care Personnel Registry, one representative from the Division of Child Development, one representative from the North Carolina Child Care Commission, and one representative from a local child care resource and referral agency.

SECTION 2. The Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities shall study the investigation process associated with allegations of child abuse and neglect in child care facilities in order to determine the most effective and efficient means of investigation and to help ensure the safety of children. The study shall specifically include:

(1) Identification of factors which limit the efficiency and effectiveness of investigations of child abuse and neglect in child care facilities conducted by local departments of social services, local law enforcement agencies, and the Division of Child Development.

(2) Determination of the reasons behind the factors identified as limitations to the effectiveness and efficiency of investigations and of the impact these factors have on the safety of children in child care.

(3) Recommendations on ways to make the investigation of child abuse and neglect allegations in child care facilities more effective and efficient. These recommendations may include a revision of the responsibility of the various authorities in investigating these complaints.

(4) Determination of how the safety of children is impacted by the presence of child care workers who are perpetrators in substantiated cases of child abuse and neglect.

(5) Recommendations on the need for work-related sanctions against individual child care workers who are perpetrators in substantiated cases of child abuse and neglect.

(6) Recommendations on the need for a registry of individuals who are perpetrators in substantiated cases of child abuse and neglect. Any such recommendation shall include consideration of who should have access to the registry and how the due process rights of the alleged perpetrators should be protected.

SECTION 3. The Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities shall study issues related to expungement of information from the Central Registry of abuse, neglect, or dependency. In particular, this study shall consider whether expungement from the Central Registry should be available when a local department of social services does not substantiate a report of abuse, neglect, or dependency or from a juvenile court record in a case where alleged abuse, neglect, or dependency is not proven by clear and convincing evidence. Additionally, the Commission shall study whether the Division of Child Development of the Department of Human Resources should have access to the information contained in the Central Registry for the purpose of verifying whether or not a person seeking to be employed in a child care facility has been substantiated for child abuse, neglect, or dependency. The Commission also shall determine the most appropriate and cost-efficient appeals process that should be established.

SECTION 4. The Legislative Study Commission on the Investigation of Child Abuse and Neglect in Child Care Facilities shall make an interim report, including any legislative proposals, to the 2002 Regular Session of the 2001 General Assembly and a final report to the 2003 General Assembly.

SECTION 5. This act is effective when it becomes law.

2001 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:
By Representative(s) **Culpepper** (Chair/Chairs) for the Committee on **RULES, CALENDAR AND OPERATIONS OF THE HOUSE.**

☐ Committee Substitute for
H.B. 456 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☒ Without prejudice. *to Committee substitute, unfavorable to original bill*

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

2/15/01