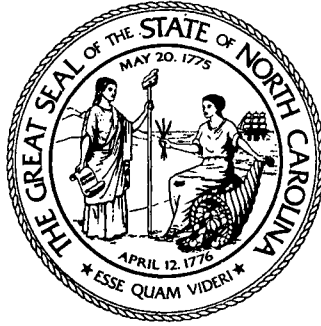


2003-2004

**HOUSE
WAYS & MEANS**

**COMMITTEE
MINUTES**



HOUSE STANDING COMMITTEE

ON

WAYS AND MEANS

2003-2004 SESSIONS

BOOK 1 OF 1

Representative Michael Decker
and
Representative Louis Pate, Jr., Chairs

Committee Counsel:

Tim Hovis, Research Division

Steve Rose, Research Division

Michael Decker, Jr., Staff Research Assistant

Committee Assistants:

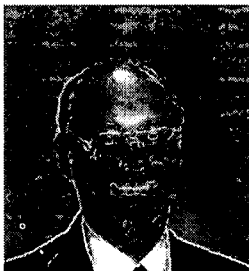
Linda Hines

Edna Pearce

NORTH CAROLINA GENERAL ASSEMBLY

WAYS AND MEANS COMMITTEE

2003 – 2004 SESSION



Rep. Decker
Chair



Rep. Pate
Chair



Rep. Blackwood



Rep. Culp



Rep. Gillespie



Rep. Goodwin



Rep. Harrell



Rep. Jeffus



Rep. Jones



Rep. Luebke



Rep. Mitchell



Rep. Nesbitt



Rep. Parmon



Rep. Preston



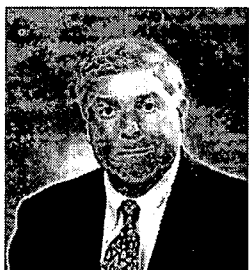
Rep. Rhodes



Rep. Wood



Rep. Brubaker
Ex officio



Rep Culpepper
Ex officio



Rep. Cunningham
Ex officio



Rep. Eddins
Ex officio

HOUSE COMMITTEE ON WAYS AND MEANS

<u>MEMBER</u>		<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
DECKER, Mike	Chair	Linda Hines Committee Assistant	5-0850	2301	12
PATE, Louis	Chair	Edna Pearce Committee Assistant	3-5755	607	63
BLACKWOOD, Curtis		Mizie Finke	3-2406	1317	109
CULP, Arlie		Waneta Lord	3-5865	1010	74
GILLESPIE, Mitch		Cindy Hobbs	3-5862	1008	87
GOODWIN, Wayne		Charlotte Graham	3-5823	1305	81
HARRELL, Jim		Ted Braun	5-1883	403	72
JEFFUS, Maggie		Mary Lee Robinson	3-5191	1013	79
JONES, Earl		Mia Bailey	3-5825	536	93
LUEBKE, Paul		Joyce Harris	3-7663	529	44
MITCHELL, Frank		Susan West	3-5609	1409	100
NESBITT, Martin		Jan Lee	5-3001	420	20
PARMON, Earline		Pat Christmas	3-5829	632	103
PRESTON, Jean		Suzanne Castleberry	3-5706	603	98
RHODES, John		Lucille Carter	3-5530	1017	99
WOOD, Steve		Wendy Miller	3-5771	2119	65

Michael Decker, Jr. – Staff Research Assistant
Tim Hovis and Steve Rose – Committee Counsel

(Name of Committee)

[illegible]

(Name of Committee)

[illegible]

North Carolina General Assembly
Through House Committee on
Ways and Means

Date: 07/22/2003
Time: 13:50
Page: 001 of 002
Leg. Day: H-102/S-102

2003-2004 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0046	Baker	NC GOVERNMENT COMPETITION COMMISSION.	H Ref To Com On Ways and Means	02-20-03	
H0055=	Ray	HONOR RETIRING FIREFIGHTERS.	*HR Ch. SL 2003-145	02-24-03	03-20-03
H0230	Goodwin	RICHMOND COUNTY SCHOOLS BID.	*H Re-ref Com On Rules, Calendar, and Operations of the House	03-05-03	04-07-03
H0233	Miller	MEDICAID PRIOR APPROVAL/PRESC. DRUGS.	H Ref To Com On Ways and Means	03-05-03	
H0238	Mitchell	REGULATE BODY PIERCING.	H Ref To Com On Ways and Means	03-06-03	
H0328	Howard	AMEND REAL ESTATE LICENSING LAWS/FEES.- AB	*H Pres. To Gov. 7/19/2003	03-06-03	03-26-03
H0402	Capps	DSS WORKER/RIGHT OF ENTRY.	*H Re-ref Com On Judiciary II	03-11-03	04-16-03
H0403	Capps	RELIGIOUS FREEDOM RESTORATION ACT.	H Re-ref Com On Judiciary II	03-11-03	04-22-03
H0404	Capps	FLAG FREEDOM BILL.	*H Re-ref Com On Judiciary II	03-11-03	03-27-03
H0410	Hunter	REDUCE MEDICAID COUNTY SHARE/TIER COUNTIES.	H Ref to the Com on Ways and Means and, if favorable, to the Com on Appropriations	03-12-03	
H0411=	Hunter	MEDICAID COUNTY SHARE/ PHASE OUT TIER CNTYS.	H Ref to the Com on Ways and Means and, if favorable, to the Com on Appropriations	03-12-03	
H0451=	McHenry	MEDICAID COUNTY SHARE.	*H Re-ref Com On Appropriations	03-13-03	07-10-03
H0481=	Adams	MINIMUM HOUSING CODES.	H Ref To Com On Ways and Means	03-13-03	
H0545=	Haire	PROPERTY TAX CORRECTION.	H Ref To Com On Ways and Means	03-18-03	
H0599	Hall	MUNICIPAL FIRE DEPARTMENTS.	H Ref To Com On Ways and Means	03-24-03	
H0628=	Adams	MINIMUM HOUSING CODES.	H Ref To Com On Ways and Means	03-24-03	
H0673	Frye	AVERY FIRE PROTECTION.	*HR Ch. SL 2003-272	03-26-03	04-30-03
H0833=	McGee	CHARITABLE SOLICITATIONS/REQUIRE DISCLOSURE.	H Ref To Com On Ways and Means	04-02-03	
H0856=	C. Wilson	ADOPT INTERNATIONAL BUILDING CODE.	H Ref To Com On Ways and Means	04-07-03	
H0857=	C. Wilson	STREAMLINE BUILDING CODE.	H Ref To Com On Ways and Means	04-07-03	
H0864=	Brubaker	GUARANTEED ENERGY SAVINGS CONTRACT EFFICIENCY.	*HR Ch. SL 2003-138	04-07-03	04-23-03
H0871=	Insko	SOLAR ENERGY SYSTEMS.	H Ref To Com On	04-07-03	

'\$' 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.

North Carolina General Assembly
Through House Committee on
Ways and Means

Date: 07/22/2003
Time: 13:50
Page: 002 of 002
Leg. Day: H-102/S-102

2003-2004 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0895	Gibson	TEMP. RULES FOR GEN. CONTRS BOARD/BIDDING.	H Ref To Com On Ways and Means	04-07-03	04-22-03
H0971	Howard	COSMETIC ART/CONTINUING ED/PENALTY CHANGE.	*H Re-ref Com On Rules, Calendar, and Operations of the House	04-09-03	05-08-03
H0994	K. Williams	PUBLIC WORKS EXEMPTION.	*HR Ch. SL 2003-305	04-09-03	04-23-03
H0995	Preston	PURPLE HEART PLATES-PARKING METERS.	*H Ref To Com On Finance	04-09-03	04-24-03
H1036	Luebke	NO CHARITABLE FNDN. DONATIONS TO FOR-PROFITS.	H Ref To Com On Ways and Means	04-10-03	
H1088	Barnhart	CONSUMERS' RIGHT-TO-KNOW ACT.	*H Ref To Com On Commerce	04-10-03	04-29-03
H1124	Justice	LAW ENFORCEMENT OFFICERS' SECURITY ACT.	H Ref To Com On Ways and Means	04-10-03	
H1138	Ellis	PAWN BROKERS ANTITHEFT PROGRAM.	H Ref To Com On Ways and Means	04-10-03	
H1175	Michaux	FAIR HOUSING COMPLAINTS.	*HR Ch. SL 2003-136	04-10-03	04-23-03
H1202	Allred	UNC-TV/ LMT INTERNAL SOLICITATION PROG.	H Ref To Com On Ways and Means	04-10-03	
S0242=	R. B. Sloan, Jr.	HONOR RETIRING FIREFIGHTERS.	*H Ref To Com On Ways and Means	04-07-03	
S0353=	Stan Bingham	CHARITABLE SOLICITATIONS/REQUIRE DISCLOSURE.	*H Ref To Com On Ways and Means	04-03-03	
S0450=	Joe Sam Queen	PROPERTY TAX CORRECTION.	HR Ch. SL 2003-250	04-16-03	04-30-03
S0486=	Joe Sam Queen	AMBER ALERT.	*H Ref To Com On Ways and Means	04-17-03	
S0659	Stan Bingham	CHARITABLE SOLICITATIONS/INFORM THE PUBLIC.	*H Pres. To Gov. 7/19/2003	04-28-03	07-10-03
S0840	Joe Sam Queen	NC'S OFFICIAL INTERNATIONAL FESTIVAL.	*HR Ch. SL 2003-315	05-01-03	05-21-03
S0846=	Wib Gulley	SOLAR ENERGY SYSTEMS.	*H Re-ref Com On Judiciary IV	04-30-03	05-01-03

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

**AGENDA FOR REP. DECKER
CHAIR**

House Ways and Means Committee

**March 12, 2003
Room 1228
12:00 Noon**

Chairs

Representative Michael Decker

Representative Louis M. Pate, Jr.

1. OPENING REMARKS

2. INTRODUCTION OF COMMITTEE MEMBERS

3. INTRODUCTION OF STAFF

- Tim Hovis, Research Division
- Steve Rose, Research Division
- Michael Decker, Jr., Staff Research Assistant

4. INTRODUCTION OF CLERKS & SERGEANT-AT-ARMS

- Linda Hines, Committee Assistant
- Edna Pearce, Committee Assistant
- Sergeant-at-Arms -- **Martha Gadison and James Womack**

5. INTRODUCTION OF PAGES -- Brandy Johnson from Granville County

6. ADJOURNMENT

**NOTE: PLEASE ASK MEMBERS TO LEAVE COMMITTEE FOLDERS IN
THE ROOM.**

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

March 12, 2003

The House Committee on Ways and Means met at 12:00 noon on Wednesday, March 12, 2003 in Room 1228 of the Legislative Building, with Representatives Decker and Pate presiding. The following members were present: Co-chairs Decker and Pate, Representatives Blackwood, Culp, Gillespie, Harrell, Jones, Luebke, Mitchell, Nesbitt, Parmon and Rhodes.


Co-chairs Decker and Pate welcomed everyone to the first meeting of the Ways and Means Committee, and began by introducing the Page assigned to the Committee, Brandi Johnson from Granville County, followed by Tim Hovis and Steve Rose from the Research Division, counsel assigned to the Committee. He also introduced Michael Decker, Jr., as a Staff Research Assistant in his office. All members were asked to introduce themselves and tell something about their bios and the districts they represent.

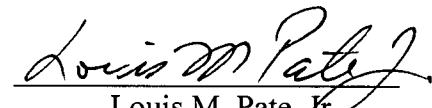
Representatives Decker and Pate told those in attendance about upcoming bills to be heard by the Committee.


Representative Pate recognized the visitors and asked them to give their names and tell about their interest in the Committee (see attached list).

There being no further business, the meeting was adjourned at 12:25 p.m.

Respectfully submitted,


Michael Decker
Chair


Louis M. Pate, Jr.
Chair


Edna Pearce
Committee Assistant

Attachments

VISITOR REGISTRATION SHEET

Ways and Means

3/12/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Julie Allen	NC Statewatch
Henry Jones	Attorney Raleigh
Brian Lewis	Planned Parenthood
Lynn Bonner	N&O
CO Dowell	The Insider / NTD's media
Stephen Simpson	NCAR
Zick Zechini	"

MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS

March 19, 2003

The House Committee on Ways and Means met at 12:00 noon on Wednesday, March 19, 2003 in Room 1228 of the Legislative Building, with Representative Michael Decker presiding. The following members were present: Chairs Decker and Pate, Representatives Blackwood, Gillespie, Goodwin, Harrell, Jeffus, Jones, Luebke, Mitchell, Parmon, Preston, Rhodes, and Wood.

Representative Decker introduced the Sgt.-At-Arms members: Matt Myers and Martha Gadison.

House Bill 55 Sponsor, Representative Karen Ray, could not attend the meeting and had asked for a committee substitute. She requested that Representative David Lewis present the bill to the committee members. He explained with the help of committee staff, Steve Rose, that this bill would not cost the State and would give firefighters permission to receive a tangible reminder of their service to themselves and to their families. He read an excerpt of a letter from the Assistant Fire Chief, Jeffrey Baker, of the Mooresville Fire Department (see attachment #1). After answering several questions posed by Rep. Blackwood, Rep. Wood made the motion that the bill receive a favorable report for the committee substitute and unfavorable to the original bill. Representative Decker asked for a voice vote, which was favorable, and the House Committee Substitute was sent to the House Calendar.

House Bill 230 Sponsor, Representative Goodwin, was recognized to speak on his bill. The Richmond County Board of Education and Board of Commissioners requested the filing of the bill (see attachment #2) involving construction of a school to replace Rockingham Junior High School, which has just been found to be structurally unsafe for the students because of termites. Engineers had told the authorities that the old school would need to be vacated in two years. He also explained that this bill was an exact duplication of a Stanley County local bill. Dr. Weatherly, Superintendent of Richmond County Schools, was asked to speak briefly on why this bill was needed and why an earlier sunset provision may or may not be set forth in the bill. Representatives Blackwood, Mitchell, and Luebke directed questions to Dr. Weatherly concerning the two year deadline and whether or not the bidding process was to be multi-prime or single-prime. Representatives Mitchell and Luebke said they could not support a single-prime bidding process. They would favor a single-prime and a multi-prime.

Representative Decker asked if visitors would like to speak on this legislation. Mr. Henry Jones, representing the plumbing, mechanical, and electrical industry spoke on his groups concern of negotiation versus competitive bidding. He suggested that competitive bidding is what saves the taxpayer money.

Representative Rhodes was concerned that this bill would set a precedent for other counties and other school systems. Staff member, Tim Hovis explained that a precedent had already been set on an earlier Johnston County bill and required the Board of Commissioners and the Board of Education to approve it.

Representative Gillespie asked about changing the date of the sunset and if it could be set at three years, he would offer that in an amendment. Representative Decker said that staff would prepare an amendment for Representative Gillespie naming the two schools and including the 2006 sunset. Further discussion referred to the critical time limit and what would Richmond County have to do if the committee did not approve the bill. Staff member, Tim Hovis told members that Richmond County would have to go through the competitive building process and open up for bids. Members further discussed the time limits of competitive bidding and single and multi-prime bidding.

Representative Decker read the Gillespie amendment which stated on page one, line 25, to read June 30, 2006 and on page one, between lines 23 and 24, insert section 2, this act shall apply to the repair and renovation of Rockingham Jr. High and the construction of Airport Elementary School. He further asked that it be rewritten to say "an addition, repair, and renovation of the school"(see attachment #3). Representative Gillespie sends forth the amendment and if there is no discussion, Representative Gillespie moves for the adoption of the amendment. The ayes have it and the bill is now amended.

Representative Gillespie moved for a favorable report on the bill and the voting began. Representative Decker said the ayes have it and several members shouted "Division". Then another vote was taken by a show of hands, 4 in favor, and 7 opposed, and the motion failed.

Representative Goodwin said the bill is still alive, and he asked the committee and staff for their wisdom and guidance and he would appreciate deference to a member for a local matter, which is normally done. Representatives Harrell, Luebke, Rhodes, and Mr. Jones continued to discuss the bidding process with Rep. Goodwin.

Ms. Lee Ann Winner with the NC School Board Association was recognized to give the opinion of the Association. She said they support the bidding process, but, there were some situations where exceptions needed to be made. A compressed time frame does not give people the time they need to bid. The Association supports the bill because this is a critical situation; it's a hazardous risk for children. This is a time of overriding factors. We would not support a statewide bill to take the competitive bidding process out.

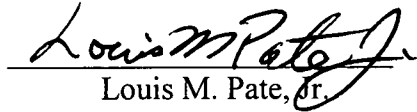
Representative Decker concluded the meeting by saying the time allotted was over and he adjourned the meeting at 1:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Decker".

Michael Decker

Chair

A handwritten signature in cursive script, appearing to read "Louis M. Pate, Jr.".

Louis M. Pate, Jr.

Chair

A handwritten signature in cursive script, appearing to read "Linda Hines".

Linda Hines

Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 55*

Short Title: Honor Retiring Firefighters. (Public)

Sponsors: Representatives Ray; Culp, Daughtry, Dockham, Gillespie, Gorman, Hilton, Howard, Kiser, Lewis, McCombs, Mitchell, Rhodes, Setzer, Walend, Walker, Warner, West, K. Williams, and G. Wilson.

Referred to: Ways and Means.

February 24, 2003

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR DECEASED OR
RETIRING FIREFIGHTERS BY AWARDING THEM WITH THEIR FIRE
HELMETS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-236. Honoring deceased or retiring firefighters.

A fire department established pursuant to this Article may, in its discretion, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined by that department."

SECTION 2. Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-294.1. Honoring deceased or retiring firefighters.

A fire department established pursuant to this Article may, in its discretion, award to a retiring firefighter or a surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased or retiring firefighter, at a price determined by that department."

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

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 55*

PROPOSED COMMITTEE SUBSTITUTE H55-CSRL-3 [v.2]

3/18/2003 1:23:02 PM

Short Title: Honor Retiring Firefighters.

(Public)

Sponsors:

Referred to:

February 24, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR RETIRING OR
DECEASED FIREFIGHTERS BY AWARDING THEIR FIRE HELMETS TO
THEM OR TO A SURVIVING RELATIVE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a
new section to read:

"§ 153A-236. Honoring deceased or retiring firefighters.

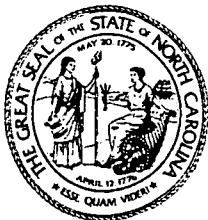
A fire department established by a county pursuant to this Article may, in the
discretion of the board of commissioners, award to a retiring firefighter or a surviving
relative of a deceased firefighter, upon request, the fire helmet of the deceased or
retiring firefighter, at a price determined in a manner authorized by the board. The price
may be less than the fair market value of the helmet."

SECTION 2. Chapter 160A of the General Statutes is amended by adding a
new section to read:

"§ 160A-294.1. Honoring deceased or retiring firefighters.

A fire department established by a municipality pursuant to this Article may, in the
discretion of the governing body of the municipality, award to a retiring firefighter or a
surviving relative of a deceased firefighter, upon request, the fire helmet of the deceased
or retiring firefighter, at a price determined in a manner authorized by the governing
body. The price may be less than the fair market value of the helmet. "

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



HB 55: Honor Retiring Firefighters

BILL ANALYSIS

Committee: House Ways and Means
Date: March 19, 2003
Version: PCS H55-CSRL-3 [v.2]

Introduced by: Rep. Ray
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 55 authorizes municipal and county fire departments to award to a retiring firefighter or to a surviving relative of a deceased firefighter, the firefighter's helmet.*

BILL ANALYSIS: This bill permits, but does not require, the governing body of a municipality or county to authorize its fire department to award retiring firefighters, or the surviving relative of a deceased firefighter, the firefighter's fire helmet. The retiring firefighter or surviving relative must request the award. A price to be charged for the helmet must be determined in a manner authorized by the governing body of the municipality or county. The price may be less than fair market value.

The act is effective when it becomes law.

Jeffrey L. Baker
Mooresville Fire Department
Fire Station 2
186 Knob Hill Rd
Mooresville NC 28117

Hi,

I am the Asst. Fire Chief / Training Officer with the Mooresville Fire Department. We are located in Iredell County. I have been with the Mooresville Fire Department for 26 years. I am very proud of this department and the profession that I have chosen for my life.

I have the privilege of attending the Municipal Administration Course given by the Institute of Government. I have learned a lot about the government. How and why things are done the way they are. I told my daughter that I should have listened more in civics class.

Anyway the reason I'm writing this is to ask you to submit a Bill for the retiring Firefighters to receive their fire helmets as an Honor to them. In the class that I am taking, I found that there is a General Statute 20-187.2(a) that states that "the governing board of a law enforcement agency to "award" the service side arm to a retiring member or surviving relative at a price determined by the governing body." I would like to see something like this being done for the retiring firefighters.

I know that many departments do this now. There is a question of legality in the disposal of property. I would like to see a bill passed for us to do it legally and with the dignity and honor that these firefighters deserve. The helmet is our protection and distinction of rank. There have been many battles fought wearing the fire helmet. We wear the helmet on every incident. Many helmets wear the battle scars of the wars that we fight almost daily. The law enforcement officer may work his whole career and never un-holster his weapon. This would be great. I pray that this would be true for everyone. Like law enforcement we are call to many different types of incidents. Our helmet is our badge of courage. It is usually not clean and shiny. It is our symbol of bravery and loyalty to the citizens of our community and State if the call is made.

Please take time to consider this request on behalf of all Firefighters in this Great State of North Carolina.

Jeffrey L. Baker
Asst. Fire Chief / Training officer
Mooresville Fire Department

3-19-03
Munster

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representative(s) Decker & Pate (Chair/Chairs) for the Committee on WAYS & MEANS.

☐ Committee Substitute for

H.B. 55 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE FIRE DEPARTMENTS TO HONOR DECEASED OR RETIRING FIREFIGHTERS BY AWARDING THEM WITH THEIR FIRE HELMETS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 ~~on~~.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

3/06/03

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 230

Short Title: Richmond County Schools Bid.

(Local)

Sponsors: Representative Goodwin.

Referred to: Ways and Means.

March 5, 2003

A BILL TO BE ENTITLED
AN ACT TO ASSIST RICHMOND COUNTY WITH EXPEDITING THE
CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

Whereas, Richmond County is faced with the critical need for school facilities created by the deteriorating condition of Rockingham Junior High School; and

Whereas, the Richmond County Board of Education has adopted a plan to use a repetitive design approach for the proposed Airport Elementary School that is educationally effective and economically efficient; and

Whereas, the Richmond County Board of Education desires to explore alternative approaches to expedite the construction of school facilities that could assist in meeting the critical need for school facilities; and

Whereas, the General Assembly reaffirms its commitment to enhance public education and to encourage innovation by public officials in meeting the critical need for school facilities; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, the Richmond County Board of Commissioners and the Richmond County Board of Education may select and negotiate with single-prime or separate-prime contractors to build school buildings using the repetitive design approach if the Board of Commissioners and the Board of Education determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

SECTION 2. This act is effective when it becomes law and expires on June 30, 2010.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1st

H. B. No. 230

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Gillespie
Sen.)

1 moves to amend the bill on page 1, line 25

2 () WHICH CHANGES THE TITLE

3 by ~~deleting~~ rewriting the line to read:
4 "30, 2006."

5 _____

6 and on page 1, between lines 23+24 by
7 inserting the following:

8 "Section 2. This act shall apply to the
9 addition, repair and renovation of Rockingham Junior High
10 School and the construction of Airport
11 Elementary School."

12 _____

13 and by renumbering the remaining section
14 accordingly.

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

[Signature]

ADOPTED X

FAILED _____

TABLED _____

Attachment #2



RICHMOND COUNTY BOARD OF COMMISSIONERS

125 SOUTH HANCOCK STREET • P. O. BOX 504
ROCKINGHAM, NORTH CAROLINA 28380
TELEPHONE: (910) 997-8211
FAX: (910) 997-8208

Kenneth R. Robinette
Chairman
John B. Garner
Vice Chairman
Jimmy L. Maske
Thad Ussery
J. C. Watkins
H. L. Webb
Paul Wilson, Jr.

James E. Haynes
County Manager
Marion S. Savage
Clerk to the Board
Roger K. Lowery
Finance Officer

March 14, 2003

*Representative Wayne Goodwin
North Carolina House of Representatives
Room 503, State Legislative Building
Raleigh, NC 27601-1096*

RE: Legislation to Expedite Construction of Public School Facilities

Dear Representative Goodwin:

Enclosed please find a Resolution adopted by the Richmond County Board of Commissioners during their Regular Meeting of March 10, 2003. The Board of Commissioners was asked by the Board of Education to support them in requesting the introduction of special legislation that would allow the Board of Education to select and negotiate with single-prime or separate-prime contractors to build school buildings and to use the repetitive design process.

During the Board of Commissioners' discussion prior to adoption of the enclosed Resolution, it was stipulated that the Board's adoption of the Resolution would be contingent upon the Board of Education awarding contracts for the construction of school facilities based on a construction cost not to exceed \$95.00 per square foot. The Board further specified that if the cost quoted by a contractor exceeds \$95.00 per square foot, then the cost should be negotiated through value engineering. It was the Board's intent in including qualifying terms to contract negotiations through the repetitive design process to insure that the taxpayers of Richmond County receive the best possible pricing for their investment in school facilities.

If any additional information is needed at this time, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "James E. Haynes".
James E. Haynes
Richmond County Manager

JEH/mss

Cc: Board of Commissioners (7)

Enclosure



RICHMOND COUNTY BOARD OF COMMISSIONERS

125 SOUTH HANCOCK STREET • P. O. BOX 504
ROCKINGHAM, NORTH CAROLINA 28380
TELEPHONE: (910) 997-8211
FAX: (910) 997-8208

Kenneth R. Robinette
Chairman
John R. Garner
Vice Chairman
Jimmy L. Masko
Thad Ussery
J. C. Watkins
H. L. Webb
Paul Wilson, Jr.

James E. Haynes
County Manager
Marian S. Savage
Clerk to the Board
Roger K. Lowery
Finance Officer

RESOLUTION


WHEREAS, Richmond County is faced with the critical need for school facilities created by the deteriorating condition of Rockingham Junior High School; and

WHEREAS, the Richmond County Board of Education has adopted a plan to use a repetitive design approach for the proposed Airport Elementary School that is educationally effective and economically efficient; and

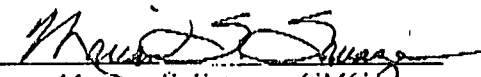
WHEREAS, the Richmond County Board of Education desires to explore alternative approaches to expedite the construction of school facilities that could assist in meeting the critical need for school facilities.

NOW, THEREFORE, BE IT RESOLVED, that notwithstanding the provisions of Article 8 of Chapter 143 of the North Carolina General Statutes, the Richmond County Board of Commissioners joins with the Richmond County Board of Education to request the North Carolina General Assembly to enact legislation that will allow the Richmond County Board of Education to select and negotiate with single prime or separate prime contractors to build school buildings and use the repetitive design approach if the Board of Commissioners of Richmond County and the Richmond County Board of Education determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

Adopted by the Richmond County Board of Commissioners this 10th day of March, 2003.


Kenneth R. Robinette, Chairman
Richmond County Board of Commissioners

ATTEST:


Marian S. Savage, CMC
Clerk to the Board



VISITOR REGISTRATION SHEET

Ways and Means

3/19/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

JOHN WITHROW	NC STATE WATCH
Larry Weatherly	Richmond Co. Schools Havel. N.C.
TERRY MILLER	RICHMOND CO. SCHOOLS, HAVELT, N.C.
C O Donnell	sun inside / NABO media
Deanne Krinner	NCSBA
Andy Romanet	NCLM
Brian Lewis	Pland Parenthood Health Syst.

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

March 26, 2003

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 233 – MEDICAID PRIOR APPROVAL/PRESCRIPTION DRUGS – Rep. Miller

HB 328 – AMEND REAL ESTATE LICENSING LAWS/FEES – Rep. Howard

HB 402 – DSS WORKER/RIGHT OF ENTRY – Rep. Capps

HB 404 – FLAG FREEDOM BILL – Rep. Capps

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

March 26, 2003

The House Ways and Means Committee met at 12:00 noon on Wednesday, March 26, 2003, in Room 1228 of the Legislative Building, with Representative Louis Pate presiding. The following members were present in addition to the presiding Chair: Co-chair Decker, Representatives Blackwood, Culp, Gillespie, Goodwin, Harrell, Jeffus, Jones, Luebke, Mitchell, Nesbitt, Parmon, Preston, and Rhodes.

Rep. Pate welcomed everyone to the meeting, including the House Sergeants-at-Arms, Aaron Woodlief and Frances Poole. Also recognized was Christopher Sykes, a Page from Mount Olive.

Rep. Howard was called upon to explain HB 328, Amend Real Estate Licensing Laws/Fees. She explained that this bill actually has four sections and does four separate things, which she explained in detail. Rep. Mitchell was then recognized to send forth a technical amendment to amend the bill on page 2, line 26, which is a rewrite of that line. The rewrite states "pursuant to this section shall not actively engage in the business of real estate broker or sales person." After much discussion and no one speaking against the bill, Rep. Goodwin moved that the amendment be enrolled into a committee substitute with a favorable report to the committee substitute; unfavorable to original bill. Motion passed.

The next bill on the agenda was HB 404 – Flag Freedom Bill. Rep. Capps was recognized to explain the bill. He handed out copies of a committee substitute (see attachments), which he explained in detail. Co-chair Decker moved for the adoption of the committee substitute. Rep. Nesbitt sent forth an amendment to the committee to delete the words "any of" on page 2, line 7. After numerous questions and much debate, the committee substitute received a favorable report with an unfavorable report as to the original bill, and re-referred to the Committee on Judiciary II.

Rep. Miller was asked to explain HB 233 – Medicaid Prior Approval/Prescription Drugs. He explained that the bill simply states that when there is a brand name prescription drug available and there is a generic equivalent available that is less costly, then the brand name would require pre-approval. The purpose of this bill is intended to save money for the costly Medicaid program, which provides health care for the poor. Opponents of the bill questioned the need for further restrictions. They believe prior approval programs and preferred drug lists, increasingly used by states to try to curb Medicaid costs, limit patients' access to health care.

There were numerous questions from members regarding the benefits and disadvantages of the bill. Chairman Pate recognized Dr. Barbara Brooks, Director of the Division of Medical Assistance, to speak on the bill in general and how it affects the patients. She also answered questions.

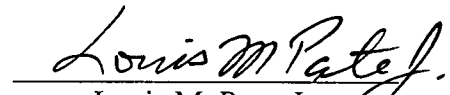
Mr. John McMillan with Manning, Fulton & Skinner, P.A., representing the Pharmaceuticals Manufacturers of America, was recognized to answer questions regarding the difference in costs of brand name drugs versus generic drugs.


Chairman Pate stated that due to time constraints, it would be necessary to cease the discussion and debate pertaining to HB 233 for this meeting. He apologized to those who had attended the meeting hoping to speak on the bill, and advised that the discussion would continue at the next meeting on Wednesday, April 2, 2003.

Chairman Pate then adjourned the meeting.

Respectfully submitted,


Michael Decker
Chair


Louis M. Pate, Jr.
Chair


Edna Pearce
Committee Assistant

Attachments

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 328

Short Title: Amend Real Estate Licensing Laws/Fees.-AB

(Public)

Sponsors: Representatives Howard; and Rhodes.

Referred to: Ways and Means.

March 6, 2003

A BILL TO BE ENTITLED

AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 93A-4(b) reads as rewritten:

"(b) Except as otherwise provided in this Chapter, any person who submits an application to the Commission in proper manner for a license as real estate broker or a license as real estate salesperson shall be required to take an ~~oral or written~~ examination. ~~The Commission may allow an applicant to elect to take the examination by computer as an alternative to the written or oral examination and may be administered orally, by computer, or by any other method the Commission deems appropriate. The Commission may require the applicant to pay the Commission or a provider contracted by the Commission the actual cost of administering the computerized examination the examination and its administration.~~ The cost of the ~~computerized examination and its administration~~ shall be in addition to any other fees the applicant is required to pay under subsection (a) of this section. The examination shall determine the applicant's qualifications with due regard to the paramount interests of the public as to the applicant's competency. A person holding a real estate salesperson license in this State and applying for a real estate broker license shall not be required to take an additional examination under this subsection. A person who fails the license examination shall be entitled to know the result and score. A person who passes the exam shall be notified only that the person passed the examination. Whether a person passed or failed the examination shall be a matter of public record; however, the scores for license examinations shall not be considered public records. Nothing in this subsection shall limit the rights granted to any person under G.S. 93B-8.

1 An applicant for licensure under this Chapter shall satisfy the Commission that he or
2 she possesses the competency, honesty, truthfulness, integrity, and general moral
3 character necessary to protect the public interest and promote public confidence in the
4 real estate brokerage business. The Commission may investigate the moral character of
5 each applicant for licensure and require an applicant to provide the Commission with a
6 criminal record report. All applicants shall obtain criminal record reports from one or
7 more reporting services designated by the Commission to provide criminal record
8 reports. Applicants are required to pay the designated reporting service for the cost of
9 these reports. If the results of any required competency examination and investigation of
10 the applicant's moral character shall be satisfactory to the Commission, then the
11 Commission shall issue to the applicant a license, authorizing the applicant to act as a
12 real estate broker or real estate salesperson in the State of North Carolina, upon the
13 payment of privilege taxes now required by law or that may hereafter be required by
14 law."

15 **SECTION 2.** G.S. 93A-4A(a) reads as rewritten:

16 "(a) The Commission shall establish a program of continuing education for real
17 estate brokers and salespersons. ~~A person licensed as a real estate broker or salesperson~~
18 ~~must present evidence to the Commission upon the second license renewal following~~
19 ~~initial licensure, and every renewal thereafter, that during the 12 months preceding the~~
20 ~~annual license expiration date the person has completed eight classroom hours of real~~
21 ~~estate instruction in courses approved by the Commission.~~ An individual licensed as a
22 real estate broker or salesperson is required to complete continuing education
23 requirements in an amount not to exceed eight classroom hours of instruction a year
24 during any license renewal period in subjects and at times the Commission deems
25 appropriate. Any licensee who fails to complete continuing education requirements
26 pursuant to this section shall not actively engage in the real estate brokerage business."

27 **SECTION 3.** G.S. 93A-9 reads as rewritten:

28 **"§ 93A-9. Licensing nonresidents.**

29 (a) An applicant from another state, which offers licensing privileges to residents
30 of North Carolina, may be licensed by conforming to all the provisions of this Chapter
31 and, in the discretion of the Commission, such other terms and conditions as are
32 required of North Carolina residents applying for license in such other state; provided
33 that the Commission may exempt from the examination prescribed in G.S. 93A-4 a
34 broker or salesperson duly licensed in another state if a similar exemption is extended to
35 licensed brokers and salespersons from North Carolina.

36 (b) The Commission may issue a limited broker's or salesperson's license to a
37 person or an entity from another state or territory of the United States without regard to
38 whether that state or territory offers similar licensing privileges to residents in North
39 Carolina if the person or entity satisfies all of the following:

- 40 (1) Is of good moral character and licensed as a real estate broker or
41 salesperson in good standing in another state or territory of the United
42 States.
43 (2) Only engages in business as a real estate broker or salesperson in
44 North Carolina in transactions involving commercial real estate and

1 while the person or entity is affiliated with a resident North Carolina
2 real estate broker or salesperson.

3 (3) Complies with the laws of this State regulating real estate brokers and
4 salespersons and rules adopted by the Commission.

5 The Commission may require an applicant for licensure under this subsection to pay
6 a fee not to exceed three hundred dollars (\$300.00). All licenses issued under this
7 subsection shall expire on June 30 of each year following issuance or on a date that the
8 Commission deems appropriate unless the license is renewed pursuant to the
9 requirements of G.S. 93A-4. A person or entity licensed under this subsection may be
10 disciplined by the Commission for violations of this Chapter as provided in G.S. 93A-6
11 and G.S. 93A-54.

12 Any person or entity licensed under this subsection shall be affiliated with a resident
13 North Carolina real estate broker or salesperson, and the resident North Carolina real
14 estate broker or salesperson shall actively and personally supervise the licensee in a
15 manner that reasonably assures that the licensee complies with the requirements of this
16 Chapter and rules adopted by the Commission. The Commission may exempt applicants
17 for licensure under this subsection from examination and the other licensing
18 requirements under G.S. 93A-4. The Commission may adopt rules as it deems necessary
19 to give effect to this subsection, including rules establishing: (i) qualifications for
20 licensure; (ii) licensure and renewal procedures; (iii) requirements for continuing
21 education; (iv) conduct of persons and entities licensed under this subsection and their
22 affiliated resident real estate brokers or salespersons; (v) a definition of commercial real
23 estate; and (vi) any requirements or limitations on affiliation between resident real estate
24 brokers or salespersons and persons or entities seeking licensure under this subsection."

25 SECTION 4. G.S. 93A-10 reads as rewritten:

26 "§ 93A-10. Nonresident licensees; filing of consent as to service of process and
27 pleadings.

28 Every nonresident applicant shall file an irrevocable consent that suits and actions
29 may be commenced against such applicant in any of the courts of record of this State,
30 by the service of any process or pleading authorized by the laws of this State in any
31 county in which the plaintiff may reside, by serving the same on the Executive Director
32 of the Commission, said consent stipulating and agreeing that such service of such
33 process or pleadings on said Executive Director shall be taken and held in all courts to
34 be valid and binding as if due service had been made personally upon the applicant in
35 this State. This consent shall be duly acknowledged, and, if made by a corporation, shall
36 be ~~authenticated by its seal, executed by an officer of the corporation. The signature of~~
37 ~~the officer on the consent to service instrument shall be sufficient to bind the~~
38 ~~corporation and no further authentication is necessary.~~ An application from a
39 corporation or other business entity shall be ~~accompanied by a duly certified copy of the~~
40 ~~resolution of the board of directors, authorizing the proper officers to execute it, signed~~
41 ~~by an officer of the corporation or entity or by an individual designated by the~~
42 ~~Commission.~~ In all cases where process or pleadings shall be served, under the
43 provisions of this Chapter, upon the Executive Director of the Commission, such
44 process or pleadings shall be served in duplicate, one of which shall be filed in the

1 office of the Commission and the other shall be forwarded immediately by the
2 Executive Director of the Commission, by registered mail, to the last known business
3 address of the nonresident licensee against which such process or pleadings are
4 directed."

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

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 328 A BILL TO BE ENTITLED AN ACT REVISING REAL ESTATE LICENSING EXAMINATION PROCEDURES, CLARIFYING CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSEES, AND ENABLING THE REAL ESTATE COMMISSION TO PERMIT LIMITED COMMERCIAL PRACTICE BY NONRESIDENT REAL ESTATE BROKERS.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 ~~en~~ →

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 404
PROPOSED COMMITTEE SUBSTITUTE H404-PCS50164-LG-7

Short Title: Flag Freedom Bill.

(Public)

Sponsors:

Referred to:

March 11, 2003

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 American flag.

(a) No local ordinance or resolution, covenant, condition, or restriction set forth in a deed, and no rule, regulation, bylaw, or other governing document or agreement of a homeowners, neighborhood, civic, or other association, shall prohibit or be construed to prohibit the placement on any property of a flagpole that is to be used for the purpose of displaying, or shall prohibit or be construed to prohibit the display on any property of, the flag of the United States if the flag is displayed in accordance with any of the following:

- (1) The patriotic customs set forth in 4 U.S.C.A. §§ 5-10, as amended, governing the display and use of the flag of the United States.
- (2) The consent of the property's owner or of any person having lawful control of the property.
- (3) The recommended flagpole standards set forth in "Our Flag", published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998).
- (4) Any federal law, proclamation of the President of the United States or the Governor, or section of the Revised Code.

(b) A local ordinance or resolution, covenant, condition, restriction, rule, regulation, bylaw, governing document, or agreement or a construction of any of these items that violates subsection (a) of this section is against public policy and unenforceable in any court of this State to the extent it violates subsection (a) of this section.

1 (c) No declaration, bylaw, rule, regulation, or agreement of a condominium
2 property or construction of any of these items by the board of managers of its unit
3 owners association shall prohibit the placement of a flagpole that is to be used for the
4 purpose of displaying, or shall prohibit the display of, the flag of the United States on or
5 within the limited common areas and facilities of a unit owner or on the immediately
6 adjacent exterior of the building in which the unit of a unit owner is located, if the flag
7 is displayed in accordance with any of the following:

8 (1) The patriotic customs set forth in 4 U.S.C.A. §§ 5-10, as amended,
9 governing the display and use of the flag of the United States.

10 (2) The recommended flagpole standards set forth in "Our Flag",
11 published pursuant to S.C.R. 61 of the 105th Congress, 1st Session
12 (1998).

13 (3) Any federal law, proclamation of the President of the United States or
14 the Governor, or section of the General Statutes.

15 (d) A declaration, bylaw, rule, regulation, or agreement or the construction of any
16 of these items that violates subsection (c) of this section is against public policy and
17 unenforceable in any court of this State to the extent it violates subsection (c) of this
18 section."

19 SECTION 2. The title of Chapter 144 of the General Statutes reads as
20 rewritten:

21 "STATE FLAG, AMERICAN FLAG, ~~MOTTO~~ MOTTO, AND COLORS."

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

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. PCS A 404-PCS 50164-LG-7

H. B. No. 409

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE ☒

Rep.)
Sen.)

Nesbitt

1 moves to amend the bill on page 1, line 12

2 () WHICH CHANGES THE TITLE and pg 2, line 7

3 by by deleting the words "any of"
4 in both places.

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

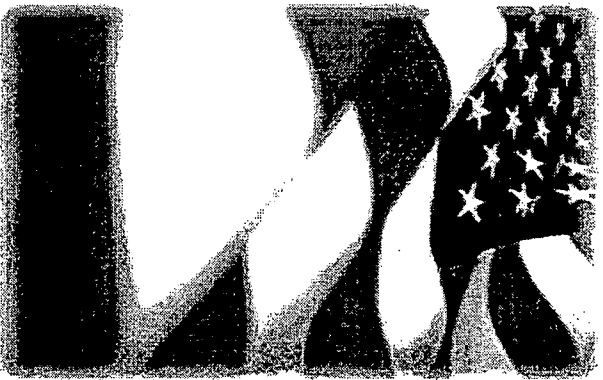
17 _____

18 _____

19 _____

SIGNED *Michael Nesbitt*

ADOPTED _____ FAILED _____ TABLED _____



H 404 Flag Freedom

- ◆ Meaning of the Flag
- ◆ Previous Bills, Votes
- ◆ Current Bill
- ◆ Standards to be used
- ◆ Senate Passage is Favorable

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 529
Committee Substitute Favorable 4/26/99

Short Title: Display of American Flag.

(Public)

Sponsors:

Referred to:

March 22, 1999

1 A BILL TO BE ENTITLED

2 AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 144 of the General Statutes is amended by adding a
5 new section to read:

6 "**§ 144-6. Display of the American flag.**

7 No provision of law shall prohibit the flag of the United States of America from
8 being flown or displayed anywhere within the State if the flag is flown or displayed:

9 (1) In accordance with the Patriotic Customs set forth in 36 U.S.C. §§
10 171-178 governing the display and use of the flag of the United
11 States of America.

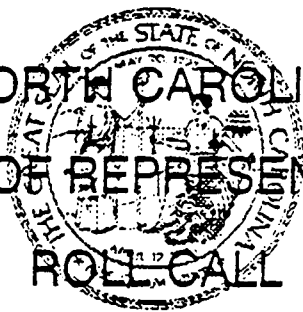
12 (2) Upon private or public property with the consent of either the
13 owner of the property or any person having lawful control of the
14 property."

15 Section 2. The title of Chapter 144 of the General Statutes reads as
16 rewritten:

17 "State Flag, American Flag, Motto and Colors."

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

NORTH CAROLINA
HOUSE OF REPRESENTATIVES



4/28/99

IN CHAIR: SPEAKER

467
LEGISLATIVE DAY 54
HCS
READING 2
CAPPS

DISPLAY OF AMERICAN FLAG

AYES - 116

SPEAKER	DAUGHTRY	HUNTER, H.	PRESTON
ADAMS	DAVIS	HURLEY	RAMSEY
ALEXANDER	DECKER	INSKO	RAYFIELD
ALLEN	DEDMON	JARRELL	REDWINE
ALLRED	DOCKHAM	JEFFUS	ROGERS
BADDOUR	EARLE	JUSTUS	RUSSELL
BAKER	EASTERLING	KINNEY	SAUNDERS
BARBEE	EDDINS	KISER	SETZER
BAREFOOT	EDWARDS	LUEBKE	SEXTON
BERRY	ELLIS	MCALLISTER	SHERRILL
BLUE	ESPOSITO	MCCOMAS	SMITH
BONNER	FITCH	MCCOMBS	STARNES
BOWIE	FOX	MCCRARY	TALLENT
BOYD-MCINTYRE	GARDNER	MCLAWHORN	TEAGUE
BRASWELL	GIBSON	MCPAHAN	THOMAS
BRIDGEMAN	GILLESPIE	MELTON	THOMPSON
BROWN	GOODWIN	MICHAUX	TOLSON
BRUBAKER	GRADY	MILLER	TUCKER
BUCHANAN	GRAY	MINER	WAINWRIGHT
CANSLER	GULLEY	MITCHELL	WALEND
CAPPS	HACKNEY	MOORE	WARNER
CARPENTER	HAIRE	MORGAN	WARREN
CLARY	HARDAWAY	MORRIS	WARWICK
COLE	HENSLEY	MOSLEY	WILSON, C.
COX	HIATT	NESBITT	WILSON, G.
CRAWFORD	HILL	NYE	WOMBLE
CREECH	HOLMES	OLDHAM	WOOD
CULP	HORN	OWENS	WRIGHT
CULPEPPER	HOWARD	POPE	YONGUE

NOES - 1

CUNNINGHAM

EXCUSED ABSENCE - 2

ARNOLD

CHURCH

EXCUSED VOTE - 0

NOT VOTING - 1

SUTTON

H529 HCS

Return to Federal Citizen Information Center Home
Page

Printer-friendly page

FLAG PRESENTATION

Presentation of the flag during a ceremony should be preceded by a brief talk emphasizing the importance of the occasion. Following the presentation all present should salute the flag, recite the pledge of allegiance, and sing the national anthem.

FOLDING THE FLAG

1. Two persons, facing each other, hold the flag waist high and horizontally between them.
2. The lower striped section is folded, lengthwise, over the blue field. Hold bottom to top and edges together securely.
3. Fold the flag again, lengthwise, folded edge to open edge.
4. A triangular fold is started along the length of the flag, from the end to the heading by bringing the striped corner of the folded edge to meet the open edge.
5. The outer point is turned inward parallel with the open edge, forming a second triangle.
6. Repeat the triangular folding until the entire length of the flag is folded.
7. When the flag is completely folded only the triangular blue field should be visible.

CARE OF YOUR FLAG

The life of your flag depends on your care. Dirt can cut fabrics, dull colors, and cause wear. Most outdoor flags can be washed in mild detergent and thoroughly rinsed. Indoor and parade flags should be dry-cleaned. Many dry cleaners offer free cleaning of U.S. flags during the months of June and July. Damaged flags can be repaired and utilized as long as the overall dimensions are not noticeably altered. American Legion Posts and local governments often have facilities to dispose of unserviceable flags. Store your flags in a well ventilated area away from any harsh chemicals or cleaning compounds. If your flag gets wet, never store it until it is completely dry. Wet folds cause permanent creases. Dampness ruins fabric and causes mildew. Pole care is also related to flag care. Rust and scale cause permanent stains and some metallic oxides actually eat holes in fabric.

SIZES OF FLAGS

The size of the flag is determined by the exposed height of the flagpole from which it is flying. The only consideration is for the flag to be in proper proportion to its pole. Flags which fly from angled poles on homes and those which are displayed on standing poles in offices and other indoor displays are usually either 3' x 5' or 4' x 6'. Color guards usually carry flags measuring 4' x 6'. Other recommended sizes are shown in the following table:

Flagpole Height (ft.)	Flag Size (ft.)
20	4 x 6
25	5 x 8
40	6 x 10
50	8 x 12
60	10 x 15
70	12 x 18
90	15 x 25
125	20 x 30
200	30 x 40
250	40 x 50

[\[Previous\]](#) [\[Table of Contents\]](#) [\[Next\]](#)

[Return to Federal Citizen Information Center Home](#)
[Page](#)

[Printer-friendly page](#)

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**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS.**

☐ Committee Substitute for
H.B. 404 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 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 *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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for
H.B. 404 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 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 *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)

03/19/03

VISITOR REGISTRATION SHEET

WAYS AND MEANS

3/26/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kim Hawes	NCCAI 211-222-2222
Paula A. Hoef	Covenant w/NC's Children
Tim Minter	NC Home Builders Association
Bartara Brooks	NC Division of Medical Assistance
Rob Lamm	NC DHHHS
Sharon Leinwand	NC Division of Medical Assistance
Jennifer M. Sullivan	National Assoc. of Social Workers - NC
Jennifer Tolle Whiteside	Prevent Child Abuse NC
JoAnn Lamm	NC DSS / DHHHS
Kary T. [Signature]	NCACDSS
Kim [Signature]	Burlington Police Dept.

VISITOR REGISTRATION SHEET

WAYS AND MEANS

3/12/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

David Lane

Sen. Kinnaird

George Irving

Johnson; Johnson

Roger Bone

Bone and Associates-

John McMillan

Manning Fulton

Erin Abbott

LBA

Larry Bandy

LBA

Brian Lewis

Planned Parenthood Health Systems, Inc.

AL DEITCH

DOA/YAIO

John Cyrus

N.C. State Senate

Mary Thomas

REGIC

Ellen Harn

PCANC

VISITOR REGISTRATION SHEET

WAYS AND MEANS

3/26/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bud Abbott	UN
John Bowdich	AstraZeneca
Barbara Condon	Consultant
Barry S. Cummings	GSK
Sam Taylor	NCBIO
Andy Doss	NC State Watch
Cooney	The Inside / Undermedia
John McHenry	Geo OFFICE
Chris Nichols	Hunter + Williams
Guillem Hawes	etOR
DAVID BARNES	Paymer + Spruiell LLP

VISITOR REGISTRATION SHEET

WAYS AND MEANS

3/26/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Andy Ellen	NCRMA
Tom Sri	NCRMA
Payton MAGNAN	GM
Marcos Arellano	Intern (Rep. Luebke)
Glenn Wells	HOFFMANN-LA ROCHE, Inc
John Dineen	HHG
Ken Hines	Coord's office

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 2, 2003

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Michael Decker, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 230 – RICHMOND COUNTY SCHOOLS BID – Rep. Goodwin

HB 233 – MEDICAID PRIOR APPROVAL/PRESCRIPTION DRUGS – Rep. Miller

HB 402 – DSS WORKER/RIGHT OF ENTRY – Rep. Capps

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

April 2, 2003

The House Committee on Ways and Means met at 12:00 noon on Wednesday, April 2, 2003 in Room 1228 of the Legislative Building, with Representative Decker presiding. The following members were present: Representatives Pate, Blackwood, Culp, Gillespie, Goodwin, Harrell, Jeffus, Jones, Luebke, Mitchell, Nesbitt, Parmon, Preston, Rhodes, and Wood.

Representative Michael Decker, presiding Chair, called the meeting to order and introduced pages and staff.

The first order of business was announced as House Bill 230 Richmond County Schools Bid sponsored by Representative Goodwin. A motion was made to adopt the Committee Substitute for the purpose of discussion and so passed. The discussion centered on open bidding, time factors, design and cost. Representative Jeffus made the motion for a favorable Committee Substitute and unfavorable to the Original Bill. The motion carried 7-4.

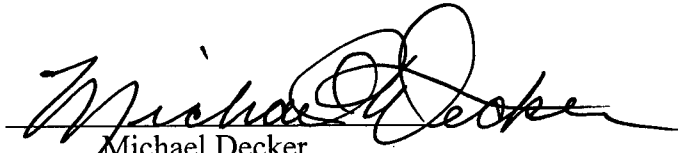
House Bill 233 Medicaid Prior Approval/Prescription Drugs was brought to the floor to be discussed by Representative Miller. Barbara Brooks, a representative of the pharmaceutical industry told of the plans being used to save on drugs. No fiscal report was available as yet to present to the members and thus, the matter was set-aside until a later time.

Representatives Decker and Pate, Chairs, named 5 members of the full committee to a subcommittee to study House Bills: 233, 410, 411, and 451. The members were: Representatives: Jeffus, Harrell, Wood, Mitchell, and Gillespie, Chair.

A Committee Substitute for House Bill 402 DSS Worker/Right of Entry sponsored by Representative Capps was adopted for discussion. Representative Decker told the Committee that this bill, when passed, would be re-referred to the Judiciary II Committee. Susan Osborne, a DSS Director from Alamance County spoke. (Attachment #1) Representative Luebke asked for clarification of "Head of Household" referring to line 18 on page 1 of the bill and referring to the Statutes 7B-303 on page 532 of a handout. (Attachment #2). Police Captain Jackie Sheffield noted that there would need to be probable cause for police to enter a home and a DSS worker would make that decision.

Representative Decker adjourned the meeting.

Respectfully submitted,



Michael Decker
Chair



Linda Hines
Committee Assistant

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 230

Short Title: Richmond County Schools Bid.

(Local)

Sponsors: Representative Goodwin.

Referred to: Ways and Means.

March 5, 2003

A BILL TO BE ENTITLED
AN ACT TO ASSIST RICHMOND COUNTY WITH EXPEDITING THE
CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

Whereas, Richmond County is faced with the critical need for school facilities created by the deteriorating condition of Rockingham Junior High School; and

Whereas, the Richmond County Board of Education has adopted a plan to use a repetitive design approach for the proposed Airport Elementary School that is educationally effective and economically efficient; and

Whereas, the Richmond County Board of Education desires to explore alternative approaches to expedite the construction of school facilities that could assist in meeting the critical need for school facilities; and

Whereas, the General Assembly reaffirms its commitment to enhance public education and to encourage innovation by public officials in meeting the critical need for school facilities; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of the General Statutes, the Richmond County Board of Commissioners and the Richmond County Board of Education may select and negotiate with single-prime or separate-prime contractors to build school buildings using the repetitive design approach if the Board of Commissioners and the Board of Education determine that using the selection and negotiations processes instead of competitive bidding will expedite the project, create an effective construction team, and control costs, quality, and schedule.

SECTION 2. This act is effective when it becomes law and expires on June 30, 2010.

file
Apr. 2

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 230
PROPOSED COMMITTEE SUBSTITUTE H230-PCS60214-RG-2

Short Title: Richmond County Schools Bid.

(Local)

Sponsors:

Referred to:

March 5, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSIST RICHMOND COUNTY WITH EXPEDITING THE
3 CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

4 Whereas, Richmond County is faced with the critical need for school
5 facilities created by the deteriorating condition of Rockingham Junior High School; and

6 Whereas, the Richmond County Board of Education has adopted a plan to use
7 a repetitive design approach for the proposed Airport Elementary School that is
8 educationally effective and economically efficient; and

9 Whereas, the Richmond County Board of Education desires to explore
10 alternative approaches to expedite the construction of school facilities that could assist
11 in meeting the critical need for school facilities; and

12 Whereas, the General Assembly reaffirms its commitment to enhance public
13 education and to encourage innovation by public officials in meeting the critical need
14 for school facilities; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 SECTION 1. Notwithstanding the provisions of Article 8 of Chapter 143 of
17 the General Statutes, the Richmond County Board of Commissioners and the Richmond
18 County Board of Education may select and negotiate with single-prime or
19 separate-prime contractors to build school buildings using the repetitive design
20 approach if the Board of Commissioners and the Board of Education determine that
21 using the selection and negotiations processes instead of competitive bidding will
22 expedite the project, create an effective construction team, and control costs, quality,
23 and schedule.

24 SECTION 2. This act shall apply to the addition, repair, and renovation of
25 Rockingham Junior High School and the construction of Airport Elementary School.

26 SECTION 3. This act is effective when it becomes law and expires on June
27 30, 2006.

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 230 A BILL TO BE ENTITLED AN ACT TO ASSIST RICHMOND COUNTY WITH
EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 402

PROPOSED COMMITTEE SUBSTITUTE H402-PCS30121-LB-3

Short Title: DSS Worker/Right of Entry.

(Public)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER
A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES.

Whereas, the Fourth Amendment to the Constitution of the United States reads:

"Amendment IV.

"The right of the people to be secure in their persons, houses, papers, and effects,
against unreasonable searches and seizures, shall not be violated, and no warrants shall
issue, but upon probable cause, supported by oath or affirmation, and particularly
describing the place to be searched, and the persons or things to be seized."; and

Whereas, the United States Supreme Court held in the cases of Wolf v.
Colorado, 338 U.S. 25 (1949) and Mapp v. Ohio, 367 US 643 (1961), that the
Fourteenth Amendment has the effect of applying the Fourth Amendment to the states;
Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 is amended by adding a new subsection to read:

"(h) A social services worker may not enter a private residence for investigation
purposes without at least one of the following:

(1) The permission of the head of the household.

(2) The accompaniment of a law enforcement officer who has legal
authority to enter the residence."

SECTION 2. This act becomes effective October 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 402

Short Title: DSS Worker/Right of Entry. (Public)

Sponsors: Representatives Capps; Barnhart, Culp, Ellis, Frye, Gorman, Gulley, Hilton, Lewis, Rayfield, and Rhodes.

Referred to: Ways and Means, if favorable, Judiciary II.

March 11, 2003

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER
A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES.

The General Assembly of North Carolina enacts:

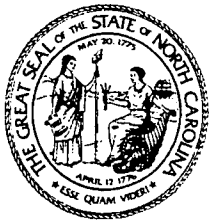
SECTION 1. G.S. 7B-302 is amended by adding a new subsection to read:

"(h) A social services worker may not enter a private residence for investigation purposes without at least one of the following:

(1) The permission of the head of the household.

(2) The accompaniment of a law enforcement officer who has legal authority to enter the residence."

SECTION 2. This act becomes effective October 1, 2003.



HB 402: DSS Worker/Right of Entry

BILL ANALYSIS

Committee: House Ways and Means
Date: March 26, 2003
Version: H402-PCS30121-LB-3

Introduced by: Rep. Capps
Summary by: Steven Rose
Committee Counsel

SUMMARY: *The Proposed Committee Substitute for HB 402 amends GS 7B-302 by prohibiting a social services worker investigating a report of abuse, neglect, or dependency of a juvenile from entering a private residence for investigative purposes unless the social services worker has the permission of the head of the household, or is accompanied by a police officer who has lawful authority to enter.*

BILL ANALYSIS: GS 7B-302 requires the department of social services to promptly investigate reports of abuse, neglect, or dependency of juveniles, and make an evaluation. In carrying out this requirement, GS 7B-302(a) requires a visit to the place where the juvenile resides. Under GS 7B-303, if any person obstructs this investigation, the director of social services may file a petition with the court requesting that the court order the person interfering to cease. The amendment proposed in HB 402 would regulate entry into a residence in the manner described above.

As for the police officer having legal authority to enter, the officer would need to be in the position of being able to make an arrest for alleged commission of a crime, either with an arrest warrant, or because the officer has probable cause to believe a crime was committed in the officer's presence, or because the officer has probable cause to believe the person arrested has committed a felony or certain specified misdemeanors. GS 15A-401. An officer could also enter with a search warrant, or, under GS 15A-285, could enter when it is urgently necessary to save life, prevent serious bodily harm, or avert or control public catastrophe.

As for entry with permission of the "head of the household," that term is not defined.

The act is effective October 1, 2003.



Department of Social Services

319 N. Graham-Hopedale Road, Suite C
Burlington, NC 27217

Susan Osborne
Director

Tel: 336-570-6532
Fax: 336-570-6538

Remarks to the Ways and Means Committee on HB402

Good afternoon Mr. Chairman and Members of the Committee.

My name is Susan Osborne. I have, what I consider, one of the best jobs of all!
Director of a local Department of Social Services!

My agency in Alamance County is a mid-size Department of Social Services and we receive about 1600 reports of child abuse, neglect and dependency each year.

And that is what I am here to talk with you about today.
More specifically about the absolute criticality of making a home visit to assessing safety of children who are alleged victims of abuse or neglect.

I have been in Child Welfare for more than 14 years and I have learned that one of the best ways to illustrate issues in this area is to tell the stories about the children and families that are served in all 100 counties in North Carolina.

A reasonable question that you may be asking is ...why is the "home visit" so important?

I want to quickly tell you about several real life situations involving abuse and neglect cases that may help you understand why.

The first situation involves a protective service report of neglect on a 7 month old infant reported by the local health department for "failure to thrive" – a medical issue.

- DSS looked at medical records
- Talked to the doctor who had enough concerns to substantiate neglect
- Parent and grandparents refused entry into the house for the required home visit
- Law Enforcement, without probable cause, "convinced" them to allow entry
- What did we find?
- I'm passing pictures around about what we found. Basically we found
 - Deplorable clutter – pictures 3,4,6 and 19
 - Dog feces in the floor of most rooms – including the baby's room – 13

- Oxygen used by the grandfather w/ smoking in the house – full ash trays by the oxygen – 8 and 9
- Result was that the infant was removed from this environment – the key in making the safety assessment for this vulnerable infant was the home visit.

I'm passing some rather graphic examples of environments that children live in that without that crucial home visit, we might not be aware of.

Picture 1A shows a kerosene heater that was being used with all the clutter around it 2B, 3C and 4D just show places where children are living and sleeping

In picture 4D one child in this home is deathly afraid after seeing a snake among the clutter.

Pictures 5,6,7 and 8 show bathroom floors rotting out and knives that are accessible to children.

I would like to stop here and say a word about this work that we do. Investigations are a "process." Starting with an allegation and that is all that it is. Our process is changing, improving thanks to the legislature allowing a pilot project in 10 counties around "assessment" of families in neglect cases instead of "investigation." - The multiple response system. This approach is non-adversarial.

We can't lose sight that the "outcomes" of our process are structured to be positive interventions – not punitive. We measure this one family at a time. We move families into appropriate housing, we assign parent aides, we provide family preservation services, we find exterminators, we work with landlords, we provide day care, and the list goes on....

I will finish quickly with two other short stories.

- Young, new worker on call, as supervisor assisted with call.
- Report – 15-year-old girl with a black eye from fight with mother. Child at the Police Dept.
- On-call worker took girl home
- Issue clearly inappropriate discipline – so you might ask why is home visit necessary?
- What did we find?
- We found a 10 yr legally blind brother
- Bedroom where kids slept mattress on the floor, windows busted out, cold
- Kitchen – left over dinner – KFC chicken with roaches crawling all over – young boy reached for chicken to eat
- Parents room pad locked, bed, comforter, curtains
- 10 year old boy talked about when roaches crawled up his nose at night – smooched
- Outcomes for this? In-home aide helped with cleaning, helped school system speed up admission to School for the blind, landlord – exterminator

Last story

- Situation in my county last weekend
- 4 yr old wandered to Laundromat
- Police and DSS called
- Child showed where she lived

- Report earlier in week – mother didn't allow in
- No one answered door
- Child said sister sick, social worker entered the home
- What did she find?
- 10-year-old sister gone, mother gone and 14-year-old sister double locked in a room with electric heater, with frayed cord, with water dripping from the ceiling and with 2 lock on the door.
- Mom jailed, children put in foster care

Hope this has helped illustrate the importance of the "home visit" in our work of protecting children and that the pictures and stories that I shared with you will help you see the impact of this bill on our work.

Mr. Chairman, I brought with me, Major Jackie Sheffield of the Burlington Police Department, who has been a part of and supervised the Juvenile Division in her career. She would like to say a few words today with your permission.

Thank you.

§7B-303

§7B-304

ART. 3. SCREENING OF COMPLAINTS

§7B-304

respondent, without lawful excuse, has obstructed or interfered with an investigation required by G.S. 7B-302, the court may order the respondent to cease such obstruction or interference. The burden of proof shall be on the petitioner.

(d) If the director has reason to believe that the juvenile is in need of immediate protection or assistance, the director shall so allege in the petition and may seek an ex parte order from the court. If the court, from the verified petition and any inquiry the court makes of the director, finds probable cause to believe both that the juvenile is at risk of immediate harm and that the respondent is obstructing or interfering with the director's ability to investigate to determine the juvenile's condition, the court may enter an ex parte order directing the respondent to cease such obstruction or interference. The order shall be limited to provisions necessary to enable the director to conduct an investigation sufficient to determine whether the juvenile is in need of immediate protection or assistance. Within 10 days after the entry of an ex parte order under this subsection, a hearing shall be held to determine whether there is good cause for the continuation of the order or the entry of a different order. An order entered under this subsection shall be served on the respondent along with a copy of the petition, summons, and notice of hearing.

(e) The director may be required at a hearing under this section to reveal the identity of any person who made a report of suspected abuse, neglect, or dependency as required by G.S. 7B-301.

(f) An order entered pursuant to this section is enforceable by civil or criminal contempt as provided in Chapter 5A of the General Statutes. (1987, c. 409, s. 1; 1993, c. 516, s. 6; 1998-202, s. 6; 1999-456, s. 60.)

CASE NOTES

Editor's Note. — Most of the following cases were decided prior to the enactment of this Chapter.

Lawful Excuse. — The "lawful excuse" provision in subsection (c) does not permit parents to interfere with or obstruct a child neglect or abuse investigation on Fourth Amendment grounds where neither a search nor a seizure is involved. In re Stumbo, 143 N.C. App. 375, 547 S.E.2d 451 (2001).

Purpose of Hearing. — The purpose of a hearing under subsection (c) is to determine whether the respondents have obstructed or interfered with an investigation without lawful excuse, not to determine whether the underlying incident which led to the allegation of neglect or abuse actually involved neglect or abuse. In re Stumbo, 143 N.C. App. 375, 547 S.E.2d 451 (2001).

Damages and Attorney's Fees Not Recoverable. — United States District Court found no provision in former § 7A-544.1 that would allow the plaintiffs to seek damages or attorneys' fees from the Department of Social Services in Obstruction Petition proceedings. Renn ex rel. Renn v. Garrison, 845 F. Supp. 1127 (E.D.N.C. 1994).

Refusal to Permit Evaluation. — Respondent's refusal to permit the Child Mental Health Evaluation of his two sons based, in part, upon his religious beliefs was not constitutionally protected and did not afford him a lawful excuse for his interference with the investigation by the Department of Social Services. In re Browning, 124 N.C. App. 190, 476 S.E.2d 465 (1996).

§ 7B-304. Evaluation for court.

In all cases in which a petition is filed, the director of the department of social services shall prepare a report for the court containing the results of any mental health evaluation under G.S. 7B-503, a home placement plan, and a treatment plan deemed by the director to be appropriate to the needs of the juvenile. The report shall be available to the court immediately following the adjudicatory hearing. (1979, c. 815, s. 1; 1998-202, s. 6; 1999-318, s. 3; 1999-456, s. 60.)

CASE NOTES

Editor's Note. — Most of the following cases were decided prior to the enactment of this Chapter.

Purpose of Section. — One of the specific purposes of former § 7A-544 (see now this section) was the protection of minors from harm. *Coleman v. Cooper*, 89 N.C. App. 188, 366 S.E.2d 2, cert. denied, 322 N.C. 834, 371 S.E.2d 275 (1988).

Violation of former § 7A-544 (see now this section) could give rise to an action for negligence. *Coleman v. Cooper*, 89 N.C. App. 188, 366 S.E.2d 2, cert. denied, 322 N.C. 834, 371 S.E.2d 275 (1988).

Qualified Immunity for Department of Social Services Employees. — Employees of the Department of Social Services were entitled to qualified immunity in plaintiffs' action alleging a violation of plaintiffs' family privacy rights, where plaintiffs failed to establish that the employees acted outside of the authority granted them by this section, or so vigorously intruded into plaintiffs' family as to infringe their family privacy rights. *Renn v. Garrison*, 100 F.3d 344 (4th Cir. 1996).

Family Privacy and Integrity. — State statutes granting authority to the Department of Social Services to prevent the abuse or neglect of children take into account families' fundamental interest in family privacy and integrity. *Renn v. Garrison*, 100 F.3d 344 (4th Cir. 1996).

Department of Social Services employee did

not act outside of the authority conferred on her by statute, or violate plaintiffs' rights to family privacy and integrity, by placing child in foster home or making telephone calls seeking information about child, after receiving reports that child was beaten by her father or otherwise abused. *Renn v. Garrison*, 100 F.3d 344 (4th Cir. 1996).

Physical Entry Into Home. — The statute does not require physical entry into the home of a child who is the subject of an investigation; thus, where a social worker personally drives to the home and seeks to speak with the children in person but does not seek to enter the home, such constitutes "a visit to the place where the juvenile resides." *In re Stumbo*, 143 N.C. App. 375, 547 S.E.2d 451 (2001).

Length of Investigation Did Not Violate Family's Privacy Rights. — Length of investigation by Department of Social Services Employee did not violate family's rights to privacy, where employee was required to extend his investigation beyond the allegations of the initial complaint alleging abuse by the many factors which suggested abuse may have occurred. *Renn v. Garrison*, 100 F.3d 344 (4th Cir. 1996).

For case reversing summary judgment in favor of defendants county and social worker as to their tort liability in failing to protect minors from harm. see *Coleman v. Cooper*, 89 N.C. App. 188, 366 S.E.2d 2, cert. denied, 322 N.C. 834, 371 S.E.2d 275 (1988).

§ 7B-303. Interference with investigation.

(a) If any person obstructs or interferes with an investigation required by G.S. 7B-302, the director may file a petition naming said person as respondent and requesting an order directing the respondent to cease such obstruction or interference. The petition shall contain the name and date of birth and address of the juvenile who is the subject of the investigation, shall specifically describe the conduct alleged to constitute obstruction of or interference with the investigation, and shall be verified.

(b) For purposes of this section, obstruction of or interference with an investigation means refusing to disclose the whereabouts of the juvenile, refusing to allow the director to have personal access to the juvenile, refusing to allow the director to observe or interview the juvenile in private, refusing to allow the director access to confidential information and records upon request pursuant to G.S. 7B-302, refusing to allow the director to arrange for an evaluation of the juvenile by a physician or other expert, or other conduct that makes it impossible for the director to carry out the duty to investigate.

(c) Upon filing of the petition, the court shall schedule a hearing to be held not less than five days after service of the petition and summons on the respondent. Service of the petition and summons and notice of hearing shall be made as provided by the Rules of Civil Procedure on the respondent; the juvenile's parent, guardian, custodian, or caretaker; and any other person determined by the court to be a necessary party. If at the hearing on the petition the court finds by clear, cogent, and convincing evidence that the

of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation, it may seek an order from a court of competent jurisdiction to prevent disclosure of the information. In such an action, the custodian of the records shall have the burden of showing by a preponderance of the evidence that disclosure of the information in question will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation. Actions brought pursuant to this paragraph shall be set down for immediate hearing, and subsequent proceedings in the actions shall be accorded priority by the trial and appellate courts.

(f) Within five working days after receipt of the report of abuse, neglect, or dependency, the director shall give written notice to the person making the report, unless requested by that person not to give notice, as to whether the report was accepted for investigation and whether the report was referred to the appropriate State or local law enforcement agency.

(g) Within five working days after completion of the protective services investigation, the director shall give subsequent written notice to the person making the report, unless requested by that person not to give notice, as to whether there is a finding of abuse, neglect, or dependency, whether the county department of social services is taking action to protect the juvenile, and what action it is taking, including whether or not a petition was filed. The person making the report shall be informed of procedures necessary to request a review by the prosecutor of the director's decision not to file a petition. A request for review by the prosecutor shall be made within five working days of receipt of the second notification. The second notification shall include notice that, if the person making the report is not satisfied with the director's decision, the person may request review of the decision by the prosecutor within five working days of receipt. The person making the report may waive the person's right to this notification, and no notification is required if the person making the report does not identify himself to the director. (1979, c. 815, s. 1; 1985, c. 205; 1991, c. 593, s. 1; 1991 (Reg. Sess., 1992), c. 923, s. 3; 1993, c. 516, s. 5; 1995, c. 411, s. 1; 1997-390, s. 3.1; 1998-202, s. 6; 1998-229, ss. 2, 19; 1999-190, s. 2; 1999-318, s. 2; 1999-456, s. 60; 2001-291, s. 1.)

Editor's Note. — The paragraphs in this section were designated as subsections (a) through (g) at the direction of the Revisor of Statutes.

Session Laws 2001-291, s. 6, provides: "The Department of Health and Human Services, Division of Public Health, shall develop recommendations for a plan to inform the public as to the provisions of this act. The plan shall contain information on responsible parenting in addition to information about the provisions of the act. The plans shall be targeted at adolescents and young adults, and shall be developed in consultation with law enforcement officials, medical professionals, and representatives of the Department of Public Instruction. Not later than April 1, 2002, the Department of Health and Human Services shall report its recommendations, and the projected cost for implementing its recommendations, to the chairpersons of the House of Representatives Appropriations Subcommittee on Health and

Human Services, the Senate Appropriations Committee on Health and Human Services, the Senate Appropriations Committee on Justice and Public Safety, and the House Appropriations Subcommittee on Justice and Public Safety."

Effect of Amendments. — Session Laws 2001-291, s. 1, effective July 19, 2001, and applicable to acts committed on or after that date, in subsection (a), added the fourth and sixth sentences.

Legal Periodicals. — For survey of 1979 family law, see 58 N.C.L. Rev. 1471 (1980).

For comment, "The Child Abuse Amendments of 1984: Congress Is Calling North Carolina to Respond to the Baby Doe Dilemma," 20 Wake Forest L. Rev. 975 (1984).

For comment, "Charting a Course Between Scylla and Charybdis: Child Abuse Registries and Procedural Due Process," see 73 N.C.L. Rev. 2063 (1995).

through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child. All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the department.

(b) When a report of a juvenile's death as a result of suspected maltreatment or a report of suspected abuse, neglect, or dependency of a juvenile in a noninstitutional setting is received, the director of the department of social services shall immediately ascertain if other juveniles live in the home, and, if so, initiate an investigation in order to determine whether they require protective services or whether immediate removal of the juveniles from the home is necessary for their protection. When a report of a juvenile's death as a result of maltreatment or a report of suspected abuse, neglect, or dependency of a juvenile in an institutional setting such as a residential child care facility or residential educational facility is received, the director of the department of social services shall immediately ascertain if other juveniles remain in the facility subject to the alleged perpetrator's care or supervision, and, if so, assess the circumstances of those juveniles in order to determine whether they require protective services or whether immediate removal of those juveniles from the facility is necessary for their protection.

(c) If the investigation indicates that abuse, neglect, or dependency has occurred, the director shall decide whether immediate removal of the juvenile or any other juveniles in the home is necessary for their protection. If immediate removal does not seem necessary, the director shall immediately provide or arrange for protective services. If the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the director, the director shall sign a complaint seeking to invoke the jurisdiction of the court for the protection of the juvenile or juveniles.

(d) If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the director shall sign a complaint which alleges the applicable facts to invoke the jurisdiction of the court. Where the investigation shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 5 of this Chapter.

(d1) Whenever a juvenile is removed from the home of a parent, guardian, custodian, stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, the director shall conduct a thorough review of the background of the alleged abuser or abusers. This review shall include a criminal history check and a review of any available mental health records. If the review reveals that the alleged abuser or abusers have a history of violent behavior against people, the director shall petition the court to order the alleged abuser or abusers to submit to a complete mental health evaluation by a licensed psychologist or psychiatrist.

(e) In performing any duties related to the investigation of the complaint or the provision or arrangement for protective services, the director may consult with any public or private agencies or individuals, including the available State or local law enforcement officers who shall assist in the investigation and evaluation of the seriousness of any report of abuse, neglect, or dependency when requested by the director. The director or the director's representative may make a written demand for any information or reports, whether or not confidential, that may in the director's opinion be relevant to the investigation of or the provision for protective services. Upon the director's or the director's representative's request and unless protected by the attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and these records to the extent permitted by federal law and regulations. If a custodian of criminal investigative information or records believes that release of the information will jeopardize the right

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Upon receipt of any report of sexual abuse of the juvenile in a child care facility, the director shall notify the State Bureau of Investigation within 24 hours or on the next workday. If sexual abuse in a child care facility is not alleged in the initial report, but during the course of the investigation there is reason to suspect that sexual abuse has occurred, the director shall immediately notify the State Bureau of Investigation. Upon notification that sexual abuse may have occurred in a child care facility, the State Bureau of Investigation may form a task force to investigate the report. (1979, c. 815, s. 1; 1991 (Reg. Sess., 1992), c. 923, s. 2; 1993, c. 516, s. 4; 1997-506, s. 32; 1998-202, s. 6; 1999-456, s. 60.)

CASE NOTES

Editor's Note. — Most of the following cases were decided prior to the enactment of this Chapter.

Former § 7A-543 (see now this section) makes no exceptions for extenuating circumstances in reporting suspected child abuse. *White v. North Carolina State Bd. of Exmrs. of Practicing Psychologists*, 97 N.C. App. 144, 388 S.E.2d 148, cert. denied, 326 N.C. 601, 393 S.E.2d 891 (1990).

The report referred to in former § 7A-550 was clearly an initial report of child abuse, as specified in former § 7A-544 (see now this section), which is to be made to the Director of the Department of Social Services. *Coleman v. Cooper*, 89 N.C. App. 188, 366 S.E.2d 2, cert. denied, 322 N.C. 834, 371 S.E.2d 275 (1988).

Immunity Under former § 7A-550. — In an action for malicious prosecution, defamation, intentional infliction of emotional distress, and negligence brought by a substitute teacher against a school system, the school system was held not liable for a principal's reporting student complaints to the Department of Social

Services as directed by § 115C-400; evidence established that the principal's reports were an accurate representation of the student's complaints, and the principal clearly acted in good faith. *Davis v. Durham City Schools*, 91 N.C. App. 520, 372 S.E.2d 318 (1988).

Statutory Good Faith Presumption Shields Reporter from Slander Per Se Action. — Summary judgment for the defendant on the issue of slander per se was appropriate where the plaintiff's description of retaliatory motives for defendant's report failed to rebut the statutory presumption created in favor of the defendant by the child abuse reporting provisions of this section and § 7B-309 which together provide immunity not merely conditional upon proof of good faith, but a "good faith" immunity which endows the reporter with the mandatory presumption that he or she acted in good faith. *Dobson v. Harris*, 352 N.C. 77, 530 S.E.2d 829 (2000).

Stated in *Burgess v. Busby*, 142 N.C. App. 393, 544 S.E.2d 4 (2001).

Cited in *In re Stumbo*, 143 N.C. App. 375, 547 S.E.2d 451 (2001).

§ 7B-302. Investigation by director; access to confidential information; notification of person making the report.

(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough investigation in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the investigation. When the report alleges neglect or dependency, the director shall initiate the investigation within 72 hours following receipt of the report. When the report alleges abandonment, the director shall immediately initiate an investigation, take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The investigation and evaluation shall include a visit to the place where the juvenile resides. When the report alleges abandonment, the investigation shall include a request from the director to law enforcement officials to investigate

and no more than five demonstration areas in this State, where local child protective services and law enforcement work together as coinvestigators in serious abuse cases and where a family assessment and services approach is utilized.

Session Laws 1999-2001, s. 30.2 provides: "Except for statutory changes or other provisions

that clearly indicate an intention to have effects beyond the 1999-2001 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1999-2001 biennium."

Session Laws 1999-2001, s. 30.4 contains a severability clause.

CASE NOTES

Editor's Note. — The following cases were decided prior to the enactment of this Chapter.

Refusal to Permit Evaluation. — Respondent's refusal to permit the Child Mental Health Evaluation of his two sons based, in part, upon his religious beliefs was not constitutionally protected and did not afford him a lawful excuse for his interference with the investigation by the Department of Social Services. *In re Browning*, 124 N.C. App. 190, 476 S.E.2d 465 (1996).

Family Privacy and Integrity. — State statutes granting authority to the Department of Social Services to prevent the abuse or neglect of children take into account families' fundamental interest in family privacy and integrity. *Renn v. Garrison*, 100 F.3d 344 (4th Cir. 1996).

Cited in *In re Stumbo*, 143 N.C. App. 375, 547 S.E.2d 451 (2001).

OPINIONS OF ATTORNEY GENERAL

Editor's Note. — The opinions below were rendered under former Chapter 7A.

Investigation of Abuse and Neglect at Day-Care Facilities. — Former § 7A-542 requires county departments of social services to investigate reports of child abuse and child neglect at day-care facilities and day-care plans (now "child day care facilities"). See opinion of Attorney General to Mr. J. Randolph Riley, District Attorney, 51 N.C.A.G. 6 (1981).

Protection of Minor's Rights. — Although a minor cannot obtain legal representation without the consent of the legally responsible

person, the rights of the child can be adequately protected. The Department of Social Services can conduct an investigation of the legally responsible person pursuant to former § 7A-542 et seq., the guardian ad litem program can provide additional support for abused, neglected, or dependent juveniles, including legal support and, a minor receives representation for the commitment proceedings by virtue of §§ 122C-224.1 and 122C-270. See opinion of Attorney General to C. Robin Britt, Sr., Secretary, Department of Human Resources, — N.C.A.G. — (December 20, 1995).

§ 7B-301. Duty to report abuse, neglect, dependency, or death due to maltreatment.

Any person or institution who has cause to suspect that any juvenile is abused, neglected, or dependent, as defined by G.S. 7B-101, or has died as the result of maltreatment, shall report the case of that juvenile to the director of the department of social services in the county where the juvenile resides or is found. The report may be made orally, by telephone, or in writing. The report shall include information as is known to the person making it including the name and address of the juvenile; the name and address of the juvenile's parent, guardian, or caretaker; the age of the juvenile; the names and ages of other juveniles in the home; the present whereabouts of the juvenile if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the person making the report believes might be helpful in establishing the need for protective services or court intervention. If the report is made orally or by telephone, the person making the report shall give the person's name, address, and telephone number. Refusal of the person making the report to give a name shall not preclude the department's investigation of the alleged abuse, neglect, dependency, or death as a result of maltreatment.

VISITOR REGISTRATION SHEET

Ways and Means

4/2/03

Name of Committee

Date

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Susan Osborne	Alamance Co. Dept. of Social Services Burlington, NC
Jennifer Sullivan	National Assoc. of Social Workers NC Chapter
Paige Johnson	Planned Parenthood of Central NC
Gambara Bork	DMH
Shelwan Leemiana	DMA
Kan T. [Signature]	NCAC DSS
John Linn	NC DSS/DHAS
Guelyn Hawthorne	ETGR
Bill Soggin	KCLH
Abby Emanuelson	NMSS

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Ways and Means

4/2/03

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Brian Shank	ASTRA ZENeca
John Bourdich	AstraZeneca
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Bill Rosta	ACP

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Amigo Hoare	NCMS
Maria Jure	BAK
Barbara Carlson	MFSS
Jane Volland	GAL
John G. [Signature]	FSR
John G. [Signature]	N.C. State Grange
Eileen Hannon	PCANC
Butch Gurnells	NCSDA
Ann Loh	WVHS
W. W. [Signature]	Capital Group

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Name of Committee

April 2nd, 2003
Date

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Bob Lamm	DHHS
Mari Fitz-Wynn	NCHS
Tom Killian	Moore + Van Allen
Patricia Renter	NCHS
Kim Wright	Rebus
William Harris	L'Harris Assoc Inc
Ken Hines	Ken's office
Mont Whitely	NCHS
Rev. James Voorn	Nc Synod office of Advocacy
Shawley	LBA

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 9, 2003

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 402 – DSS WORKER/RIGHT OF ENTRY – Rep. Capps

HB 403 – RELIGIOUS FREEDOM RESTORATION ACT – Rep. Capps

HB 545 - PROPERTY TAX CORRECTION – Reps. Haire and Rapp

HB 599 - MUNICIPAL FIRE DEPARTMENTS – Rep. Hall

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

April 9, 2003

The House Committee on Ways and Means met at 12:00 noon on Wednesday, April 9, 2003 in Room 1228 of the Legislative Building, with Representative Decker presiding. The following members were present: Representatives Pate, Chair, Blackwood, Culp, Gillespie, Goodwin, Harrell, Jeffus, Jones, Luebke, Mitchell, Nesbitt, Parmon, Rhodes, Wood and Eddins, ex-officio member.

Representative Michael Decker, presiding Chair, called the meeting to order and introduced the Page Assistants: Brad Hagan of Surry County and sponsored by Representative Bill McGee, Brett Jarrett of Lincoln County and sponsored by Representative Joe Kiser.

The first order of business was announced as House Bill 402, introduced by Representative Russell Capps. Representative Capps was asked to explain his bill.

Representative Capps said that HB402 is a clarifying bill because it simply clarifies what the law already says and what should be. The language of the US Constitution, fourth amendment, is in the bill and he proceeded to read from the NC Constitution, Article 1, Sections 20, 21, and 22 (see attachment # 1). He told the members that it is not only important to protect our children, but also protect the rights of all people. The two constitutions do not have to be violated in order to protect children. There is a right way to do things and no harm is done to children in requiring a social worker to present evidence of probable cause to the court in order to interview a child unless the child is in eminent danger and then there are ways of dealing with that.

HR 402 came about partly because of a case that is still in the NC Supreme Court. The Stumbo case first went to Appeals Court where two judges said that the State Social Worker is not recognized as a State Actor. The third judge said that the same is a State Actor and subject to the fourth amendment of the Constitution.

The ACLU which is in support of HB402 had contacted Representative Capps. The ACLU believes that a parent has the right to refuse the entry of a Social Worker unless it is done properly. Both the NC Statutes and the Department of Social Services Policy requires the Director to seek a court order if he/she believes the parents are interfering with an investigation. If this is the case then the Director, according to their own rules, may file a petition naming said person as respondent in a question of order. That is the proper way to gain entry. Sadly there are cases where it is not being done.

Representative Capps then named 16 states that have passed similar legislation and told the language incorporated in their bills.

Child Protective Services had done many studies across the US and informed him the NC has the worst evidence of violating the rule of all the states they studied. He also reiterated that HB402 was in no way meant to impede the work of the Social Worker in doing the job. It is a matter of procedure and in accordance with the Constitutions.

The Committee Members were then asked for questions of Representative Capps such as the definition of "head of household", whereby Representative Gillespie asked to amend page 1, line 18 (see attachment #2).


Questions proceeded concerning persons responsible for the child's care and spread to questions on eminent danger of the child at which point Representative Nesbitt proposed an amendment to the bill on page 1, between lines 17 and 18 (see attachment #3). The language of the amendment was further debated.

Representative Decker asked for a vote on the amendment which carried. Representative Wood moved for a favorable report of the bill and that it is referred to Judiciary II. Representative Luebke urged members to vote NO on the bill as in his opinion it was and unnecessary bill.

The motion for a favorable report was counted twice and lost 8 to 8. The Chair entertained a motion to report the bill without prejudice to Judiciary II. The vote was again 8 to 8. Representative Luebke made a motion for an unfavorable report and again the vote was 8 to 8.

Representative Decker indicated that HB402 might be directed to a subcommittee and adjourned the meeting at 1:00 pm.

Respectfully submitted,


Michael Decker
Chair


Linda Hines
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 402

Short Title: DSS Worker/Right of Entry. (Public)

Sponsors: Representatives Capps; Barnhart, Culp, Ellis, Frye, Gorman, Gulley, Hilton, Lewis, Rayfield, and Rhodes.

Referred to: Ways and Means, if favorable, Judiciary II.

March 11, 2003

A BILL TO BE ENTITLED
AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER
A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 is amended by adding a new subsection to read:

"(h) A social services worker may not enter a private residence for investigation purposes without at least one of the following:

(1) The permission of the head of the household.

(2) The accompaniment of a law enforcement officer who has legal authority to enter the residence."

SECTION 2. This act becomes effective October 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 402

PROPOSED COMMITTEE SUBSTITUTE H402-PCS30121-LB-3

Short Title: DSS Worker/Right of Entry.

(Public)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER
A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES.

Whereas, the Fourth Amendment to the Constitution of the United States reads:

"Amendment IV.

"The right of the people to be secure in their persons, houses, papers, and effects,
against unreasonable searches and seizures, shall not be violated, and no warrants shall
issue, but upon probable cause, supported by oath or affirmation, and particularly
describing the place to be searched, and the persons or things to be seized."; and

Whereas, the United States Supreme Court held in the cases of Wolf v.
Colorado, 338 U.S. 25 (1949) and Mapp v. Ohio, 367 US 643 (1961), that the
Fourteenth Amendment has the effect of applying the Fourth Amendment to the states;
Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 is amended by adding a new subsection to read:

"(h) A social services worker may not enter a private residence for investigation
purposes without at least one of the following:

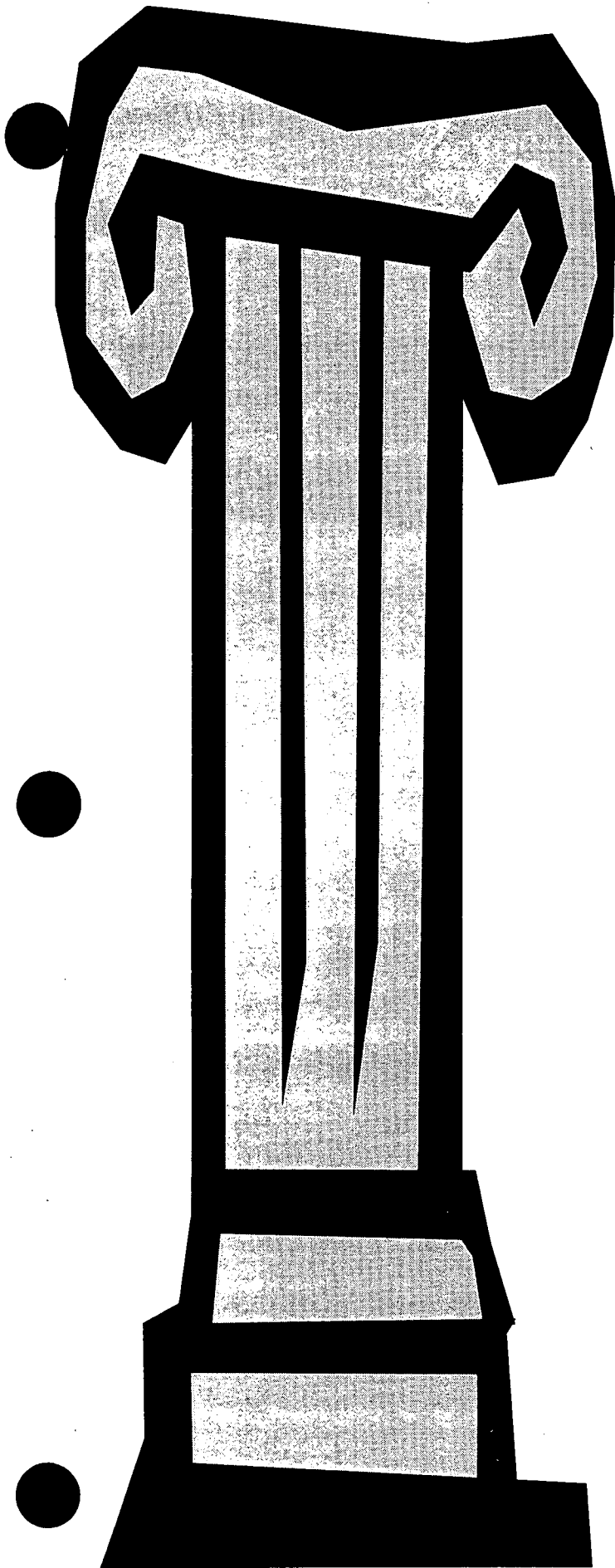
(1) The permission of the head of the household.

(2) The accompaniment of a law enforcement officer who has legal
authority to enter the residence."

SECTION 2. This act becomes effective October 1, 2003.

NORTH CAROLINA'S CONSTITUTION

Updated through January, 1998



**Published by the N.C.
Department of the
Secretary of State**

**Elaine F. Marshall
Secretary**

protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. *General warrants.* General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. *Inquiry into restraints on liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. *Modes of prosecution.* Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

Sec. 23. *Rights of accused.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. *Right of jury trial in criminal cases.* No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. *Right of jury trial in civil cases.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. *Jury service.* No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. *Bail, fines, and punishments.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. *Treason against the State.* Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

14 402-PLS-30121-LB-3

EDITION No. _____

H. B. No. 402

DATE 4-9-03

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE ☒

(to be filled in by
Principal Clerk)

Rep.) Gillespie
Sen.)

1 moves to amend the bill on page 1, line 18

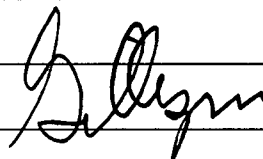
2 () WHICH CHANGES THE TITLE

3 by deleting: "head of household," and

4 substituting the words:

5 "parent or person responsible for
6 the child's care."

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19 _____

SIGNED 

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. PCS

H. B. No. 402

DATE 4-9-03

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

(Rep.) Wesbitt
(Sen.) _____

1 moves to amend the bill on page 1, line 17-18

2 () WHICH CHANGES THE TITLE

3 by inserting the following between those
4 lines

5 "(1) The ~~social worker~~ services
6 worker reasonably believes
7 the child to be in imminent danger."

8
9
10 and by renumbering the following
11 sub divisions accordingly

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Mark Wesbitt

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Ways and Means

4/9/03

Name of Committee

Date

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Kevin Crowder	Burlington Police Dept.
Susan G. Osborne	Alamance County, Director Dept. of Social Services
John Shore	Guilford County Dept. of Social Services
Ray Rapp	House District 118
Helen Lipman	Mecklenburg County Social Services
LARRY Johnson	Rockingham Co. Director Dept of Social Services
Rev. Dr. James B. Vigen	NC SYNOD (ELCA) Office of Advocacy Ministry
Angela Wilson	Wayne County Dept. of Social Services
Octavia S. Muhammad	Wayne Co. Dept. of Social Services
Veta M. Ham	Wayne Co. DSS 1916 NC Hwy 117 S Goldsboro, NC 27530
Paige Johnson	Planned Parenthood of Central North Carolina
Cherry Bradsher	DHHS / DSS
DAVID GORDON	AGE
J. Ann Lamm	DHHS / DSS

VISITOR REGISTRATION SHEET

Ways and Means

4/9/03

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FIRM OR AGENCY AND ADDRESS

Julie Allen	NC Statewatch
Mark Brason	Capitol Troop
John Rusti	NCFPC
Jennifer M. Sullivan	NASW. NC
Jennifer Whitehead	PCMC
Kim Hovess	NCCAI
Ram T. D.	NCACDSS
AL DEITCH	DOA/YAIO
John Cyrus	NC State Grange
Jeff Townsend	North Carolinians In Home Education
Stoney Blevins	Wake Co Human Services

VISITOR REGISTRATION SHEET

Ways and Means

4/9/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Joyce Gardner	Wayne Co. Dept. of Social Services 1916 Hwy 117 Bypass N Goldsboro, N.C. 27530
Darlene B. Grantham	Wayne Co DSS Goldsboro, NC
Rev. Mark H. Creech	CAL
Carol Lawler	EGHS
Eden H.	PCAPC
Susan Stroud	NASW-NC
Jane Volland	GAL
David Baker	DOR
John Bailey	DOR
CHRIS MEARS	Rep. JOE KISER
Paul O'Brien	PFFPNC

VISITOR REGISTRATION SHEET

Ways and Means

4/9/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Rob Lunn	NICDHHS
Kevin Leonard	WCSR
Barbara Host	NCRIZ
Rob Johnson	Alamance Co. District Atty
Patty Samuels	Family Service of the Piedmont 1401 Long St., High Point, NC
Cathy Purnell	Family Service of the Piedmont
Chuck Pailes	NCHC JCHC
Sonya Pailes	NCHC / JCHC
John Bowdich	AstraZeneca
Kiki Drift	NCPTRB
Andy Lomax	NCLM

VISITOR REGISTRATION SHEET

Ways and Means

Name of Committee

4/9/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Debbie Lancaster

North Carolinians for Home Education

Mari Fitz Wynn

North Carolinians for Home Education

Stephanie Simpson

NC Assn of REALTORS

Jim Blackburn

NC Association of
County Commissioners

CHARLES ARCHER

NC CM

Ken Melton

Allyson Arbor

Marcos Arellano

Intern for Rep. Luckke

Brad Dixon

Intern for Rep. Culpepper

David Goodman

MERCER & ASSOC.

Rob Delight

Intern (Rep. Hefrey)

For M Killen

Moulton & Co. all

Art Mayhew

AP

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 16, 2003

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 402 – DSS WORKER/RIGHT OF ENTRY – Rep. Capps

HB 403 – RELIGIOUS FREEDOM RESTORATION ACT – Rep. Capps

HB 545 - PROPERTY TAX CORRECTION – Reps. Haire and Rapp

HB 673 – AVERY FIRE PROTECTION – Rep. Frye

**HB 864 – GUARANTEED ENERGY SAVINGS CONTRACT EFFICIENCY –
Reps. Brubaker and Saunders**

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
WAYS AND MEANS**

April 16, 2003

The House Committee on Ways and Means met on Wednesday, April 16, 2003, in Room 1228 of the Legislative Building at 12:00 noon. The following members were present: Chairs-Representatives Decker and Pate, Representatives Blackwood, Culp, Gillespie, Goodwin, Jeffus, Jones, Luebke, Mitchell, Parmon, Rhodes and ex-officio members Cunningham and Eddins.

Chairman Pate called the meeting to order to consider the following bills:

Representative Capps was recognized to explain HB 402, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES. Staff handed out a proposed Committee Substitute with two amendments rolled in, and Rep. Gillespie moved that the Committee Substitute be placed before the committee for discussion only.

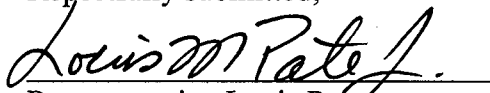
Mr. Jeff Townsend, President of North Carolinians for Home Education, was recognized to speak on the bill. Mr. Townsend explained that his organization was in favor of this bill, that if it passes as written, it would guarantee the constitutional rights as written. If it does not pass as written, then the constitutional rights could be infringed, and that is why they feel so strongly about this bill. He answered questions from members as to why home educators were involved in this issue, and explained that the Home Education Office in Raleigh receives a tremendous number of calls from people who report children at home, so they see cases where they feel the system is being abused against home schoolers.

Ms. Jennifer Sullivan, of the National Association of Social Workers, was recognized to speak on the bill. She explained in detail the reasons this organization is opposed to the bill. (See copy of her comments attached.)

After many questions and much debate, Rep. Goodwin offered an amendment stating "an order from a court of competent jurisdiction" being inserted as #4 under Section I. The amendment passed. With a vote of 7-6, the bill received a favorable report as to the committee substitute bill, unfavorable as to the original bill, and re-referred to the Committee on Judiciary II.

Representative Capps was then recognized to explain HB 403, AN ACT TO ENACT THE NORTH CAROLINA RELIGIOUS FREEDOM RESTORATION ACT, however, due to time constraints, it was necessary that the bill be carried over to the next meeting. The meeting then adjourned at 12:50 p.m.

Respectfully submitted,


Representative Louis Pate


Edna Pearce, Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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D

HOUSE BILL 402
PROPOSED COMMITTEE SUBSTITUTE H402-PCS30265-RL-9

Short Title: DSS Worker/Right of Entry.

(Public)

Sponsors:

Referred to:

March 11, 2003

A BILL TO BE ENTITLED
AN ACT TO RESTRICT THE AUTHORITY OF A SOCIAL WORKER TO ENTER
A PRIVATE RESIDENCE FOR INVESTIGATION PURPOSES.

Whereas, the Fourth Amendment to the Constitution of the United States reads:

"Amendment IV.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."; and

Whereas, the United States Supreme Court held in the cases of Wolf v. Colorado, 338 U.S. 25 (1949) and Mapp v. Ohio, 367 U.S. 643 (1961), that the Fourteenth Amendment has the effect of applying the Fourth Amendment to the states; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-302 is amended by adding a new subsection to read:

"(h) A social services worker may not enter a private residence for investigation purposes without at least one of the following:

- (1) The social services worker reasonably believes the child to be in imminent danger.
- (2) The permission of the parent or person responsible for the child's care.
- (3) The accompaniment of a law enforcement officer who has legal authority to enter the residence.
- (4) An order from a court of competent jurisdiction."

SECTION 2. This act becomes effective October 1, 2003.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 402 Com Sub DATE _____
H402 (SPL-9 V.2)

S. B. No. _____

Amendment No. _____

COMMITTEE SUBSTITUTE _____

(to be filled in by
Principal Clerk)

Rep.) _____
Sen.) _____

1 moves to amend the bill on page 1, line 22-23

2 () WHICH CHANGES THE TITLE

3 by inserting between those lines
4 the following:

5 "
6 (4) An order from a Court of
7 competent jurisdiction."

8
9 and on pg 1 line 22
10 by deleting the quote marks.

11

12

13

14

15

16

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SIGNED Wayne Gooden

ADOPTED _____ FAILED _____ TABLED _____

**National Association of Social Workers – NC Chapter
Jennifer M. Sullivan, MSW, JD - Director of Government Relations**

The North Carolina Chapter of the National Association of Social Workers opposes House Bill 402. Please do not give House Bill 402 regarding the Right of Entry for DSS Workers a favorable report.

We have very grave concerns that this legislation will undermine the ability of social workers to investigate cases of abuse or neglect that involve our most vulnerable citizens, the children of North Carolina.

The bill seeks to strip away those protections that were put in place by the North Carolina Legislature in Chapter 7B of the General Statutes. In fact, North Carolina's Child Fatality Task Force, a committee created by the legislature, has made great strides in the area of child protection. We are asking that we not move backwards.

Yet most importantly, the highest court in this state is determining this very issue that is before this committee. Whether there is a constitutional issue that needs to be addressed at all. We are asking that this committee not act on this bill until the highest court of this state has made a decision. The *Stumbo* case was argued on February 11th, of last year, and there is yet to be a decision released. We are hopeful that the court will affirm the decisions of the lower courts, in favor of the Social Services being able to conduct investigations. We see no reason why the North Carolina Supreme Court would not affirm the lower court decisions.

The state has a responsibility to protect these populations. The United States Supreme Court said that investigations by case workers is not of criminal nature and thus different rules apply when looking at the investigation of children. *Wyman v. James*, 400 U.S. 309 (1971). Social workers do not enter the home to search and then seize – but instead to protect and assist children and families. The devastating consequences of not being able to enter the home to protect children, outweighs any other potential interest.

To require social workers to seek permission, prior to entering a private residence, puts vulnerable persons, whose lives may be at endangered at great risk. The response time will be delayed while workers are jumping through procedural hoops. There is no reason to put our children in this position.

Please give this bill an unfavorable report out of committee. Thank you for the opportunity to speak on this bill.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 402 A BILL TO BE ENTITLED AN ACT TO RESTRICT THE AUTHORITY OF A
SOCIAL WORKER TO ENTER A PRIVATE RESIDENCE FOR INVESTIGATION
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 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 **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)

03/19/03

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/16/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Phil O'Brien	PFFPNC
Bobby Belke	PFFPNC
John Cyrus	n.c. state house
Bill Underwood	Chickens' Law Ch.
Marcos Arellano	Intern for Rep. Luebke
Pring Harrison	Beaufort NC
Leslie Thompson	Lbs. nc
Barbara Host	NCRTI - 950, nc
Lebron James	
Ray Williams	
David Baker	DOR

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/16/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

John Bail	NCDOR.
Colleen Kochanek	Hafner & Caldwell, P.A.
Jim Blackburn	ASS'N of County Commrs.
Conny	Council For Children
Larry Shirley	State Energy Office, DDA
Grady McEhin	N.C. Conservation Network
Jennifer Whiteside	Prevent Child Abuse NC
Rob Lamm	NCDHHS
JoAnn Lamm	NCDHHS/DSS
Chris Sinha	NCDHHS/DSS (A.G.)
Andy Lomenet	NCLM

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/16/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

JOHN WITHROW	NC STATE WATER
BRIAN LEWIS	Planned Parenthood Health Systems.
Baige Johnson	Planned Parenthood Central North Carolina
Barry Smith	Freedom Newspaper
Ron T. Day	NCACDS
DAN HUGGINS	Durham Co. DSS
Jim Upham	Progen Energy
Isabel Perry	Capitol Group
John Kent	NCFPC
Chris Nichols	Hunter + Williams

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 22, 2003

Room 1228

1:00 PM

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Michael Decker, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 403 - RELIGIOUS FREEDOM RESTORATION ACT – Rep. Capps

HB 864 - GUARANTEE ENERGY SAVINGS CONTRACT EFFICIENCY –
Reps. Brubaker and Saunders

HB 895 - TEMP. RULES FOR GENERAL CONTRACTORS BOARD/BIDDING -
Rep. Gibson

HB 994 - PUBLIC WORKS EXEMPTIONS – Rep. K. Williams

HB 1036 - NO CHARITABLE FOUNDATION DONATIONS TO FOR-PROFITS -
Rep. Luebke

HB 1088 - CONSUMERS' RIGHT TO KNOW ACT – Reps. Barnhart and Miller

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

April 22, 2003

The House Committee on Ways and Means met at 1:00 p.m. on Tuesday, April 22, 2003 in Room 1228 of the Legislative Building, with Representative Decker presiding. The following members were present: Representatives Pate, Blackwood, Culp, Gillespie, Goodwin, Harrell, Jones, Luebke, Mitchell, Parmon, and Rhodes.

Representative Decker called the meeting to order, introduced Pages and welcomed visitors. He then laid out the order of business for the meeting. House Bills 403, 895, 944, and 864 would come before the Committee and in that order.

Representative Capps gave his remarks concerning House Bill 403 Religious Freedom Restoration Act saying that he knew of no opposition. He said that the most important part of the Bill was Section (d) on page 3. (see attachment #1). Representative Stam also spoke on the bill. Representative Culp made a motion for a favorable report to the original bill and re-refer to Judiciary II. The motion carried 5-3.

Representative Williams was asked to explain House Bill 994 Public Works Exemptions Committee Substitute, which Representative Rhodes moved to adopt for discussion. Representative Pate sent forth an amendment, which Representative Luebke moved to adopt and it carried. Representative Luebke then moved to adopt the Committee Substitute and unfavorable to the original bill. The motion was unanimously passed.

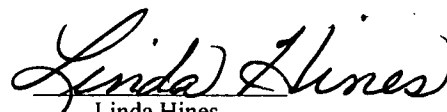
House Bill 895 Temp. Rules for General Contractors Board/Bidding was explained by Representative Gibson. Representative Rhodes made a motion for the bill to have a favorable report and it unanimously passed.

Representative Saunders and Staff Tim Hovis brought House Bill 864 Guarantee Energy Savings Contract Efficiency Committee Substitute before the Committee. Representative Luebke moved to give it a favorable report and unfavorable to the original bill.

Representative Decker adjourned the meeting.

Respectfully,


Michael Decker
Chair


Linda Hines
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 403

Short Title: Religious Freedom Restoration Act.

(Public)

Sponsors: Representatives Capps; Barnhart, Culp, Ellis, Frye, Gulley, Hilton, L. Johnson, LaRoque, Moore, Preston, Rayfield, Rhodes, and Stam.

Referred to: Ways and Means, if favorable, Judiciary II.

March 11, 2003

A BILL TO BE ENTITLED
AN ACT TO ENACT THE NORTH CAROLINA RELIGIOUS FREEDOM
RESTORATION ACT.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina General Statutes are amended by adding a new Chapter to read:

"Chapter 143C.

"Religious Freedom Restoration Act.

"§ 143C-1. Definitions.

The following definitions apply in this Chapter:

- (1) 'Demonstrates' means meets the burdens of going forward with the evidence and of persuasion.
- (2) 'Exercise of religion' means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.
- (3) 'Government' includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the State of North Carolina or a political subdivision of the State.

"§ 143C-2. Findings and purposes.

(a) The General Assembly finds the following:

- (1) The free exercise of religion is an inherent, fundamental, and inalienable right secured by Article I, Section 13 of the North Carolina Constitution.
- (2) Laws 'neutral' toward religion, as well as laws intended to interfere with the exercise of religion, may burden the exercise of religion.
- (3) Government should not substantially burden the exercise of religion without compelling justification.

(4) In Employment Division v. Smith, 494 U.S. 872 (1990), the Supreme Court virtually eliminated the requirement under the First Amendment of the United States Constitution that government justify burdens on the exercise of religion imposed by laws neutral toward religion.

(5) In City of Boerne v. P. F. Flores, 521 U.S. 507 (1997), the Supreme Court held that an act passed by Congress to address the matter of burdens placed on the exercise of religion infringed on the legislative powers reserved to the states under the United States Constitution.

(6) The compelling interest test, as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), is a workable test for striking sensible balances between religious liberty and competing governmental interests.

(b) The purposes of this Chapter are as follows:

(1) To restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling governmental interest will be imposed on all State and local laws, ordinances, policies, procedures, practices, and governmental actions in all cases in which the free exercise of religion is substantially burdened.

(2) To provide a claim or defense to persons whose exercise of religion is substantially burdened by government.

"§ 143C-3. Free exercise of religion protected.

Government may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless it demonstrates that application of the burden to the person (i) is in furtherance of a compelling governmental interest and (ii) is the least restrictive means of furthering that compelling governmental interest.

"§ 143C-4. Judicial belief.

If a person's exercise of religion has been burdened in violation of this Chapter, that person may assert that violation as a claim or defense in a judicial proceeding and may obtain appropriate relief against a government. A party who prevails in an action to enforce this Chapter against a government is entitled to recover attorneys' fees and costs incurred in maintaining the claim or defense.

"§ 143C-5. Application of Chapter.

(a) This Chapter applies to all State and local laws, ordinances, policies, procedures, practices, and governmental actions and their implementation, whether statutory or otherwise and whether adopted before or after the effective date of this Chapter.

(b) Nothing in this Chapter shall be construed to authorize a government to burden any religious belief.

(c) Nothing in this Chapter shall be construed to affect, interpret, or in any way address any of the following: (i) that portion of the First Amendment of the United States Constitution prohibiting laws respecting the establishment of religion, or (ii) Article I, Section 13 of the North Carolina Constitution, or (iii) the second sentence of

1 Article I, Section 19 of the North Carolina Constitution. Granting government funding,
2 benefits, or exemptions, to the extent permissible under the three constitutional
3 provisions described in items (i), (ii), and (iii) does not constitute a violation of this
4 Chapter. In this subsection, 'granting', used with respect to government funding,
5 benefits, or exemptions, does not include the denial of government funding, benefits, or
6 exemptions.

7 (d) The governing body of a municipality or other unit of local government may
8 enact ordinances, standards, rules, or regulations that protect the free exercise of
9 religion in a manner or to an extent equal to or greater than the protection provided in
10 this Chapter. If an ordinance, standard, rule, or regulation enacted under the authority of
11 this section or under the authority of the unit of local government prohibits, restricts,
12 narrows, or burdens a person's exercise of religion or permits the prohibitions,
13 restriction, narrowing, or burdening of a person's exercise of religion, that ordinance,
14 standard, rule, or regulation is void and unenforceable as to that person if it (i) is not in
15 furtherance of a compelling governmental interest and (ii) is not the least restrictive
16 means of furthering that governmental interest."

17 SECTION 2. This act become effective July 1, 2003.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 403 A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA
RELIGIOUS FREEDOM RESTORATION ACT.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 994
PROPOSED COMMITTEE SUBSTITUTE H994-PCS45083-RG-11

Short Title: Public Works Exemption.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO CONSTRUCT
PRE-ENGINEERED STRUCTURES WITHOUT HAVING THE PLANS AND
SPECIFICATIONS FOR THE STRUCTURES REVIEWED BY A REGISTERED
ARCHITECT OR ENGINEER.

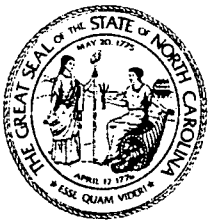
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 133-1.1(c) reads as rewritten:

"(c) The following shall be excepted from the requirements of subsection (a) of
this section:

- (1) Dwellings and outbuildings in connection therewith, such as barns and private garages.
- (2) Apartment buildings used exclusively as the residence of not more than two families.
- (3) Buildings used for agricultural purposes other than schools or assembly halls which are not within the limits of a city or an incorporated village.
- (4) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 20 feet in any direction, and not used for living quarters.
- (5) Pre-engineered garages, sheds, and workshops used exclusively by city, county, or State employees for purposes related to their employment."

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



HOUSE BILL 994: Public Works Exemption

BILL ANALYSIS

Committee: House Ways and Means
Committee
Date: April 22, 2003
Version: House Bill 994

Introduced by: Representative K. Williams
Summary by: Tim Hovis
Committee Counsel

SUMMARY: G.S. 133-1.1 requires state boards, departments and commissions to have plans and specifications for certain building projects prepared by a registered architect or engineer. (A copy of the statute is attached.)

House Bill 994 would exempt buildings, including garages, sheds, and workshops, used exclusively by city, county, or State employees for employment-related purposes from this requirement.

EFFECTIVE DATE: House Bill 994 is effective when it becomes law.

§ 133-1.1. Certain buildings involving public funds to be designed, etc., by architect or engineer.

(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) Three hundred thousand dollars (\$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) 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) 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 these plans and specifications.

- (b) (1) On all projects requiring the services of an architect, an architect shall conduct frequent and regular inspections or such inspections as required by contract and shall issue a signed and sealed certificate of compliance to the awarding authority that:
 - a. The inspections of the construction, repairs or installations have been conducted with the degree of care and professional skill and judgment ordinarily exercised by a member of that profession; and
 - b. To the best of his knowledge and in the professional opinion of the architect, the contractor has fulfilled the obligations of such plans, specifications, and contract.
- (2) On all projects requiring the services of an engineer, an engineer shall conduct frequent and regular inspections or such inspections as required by contract and shall issue a signed and sealed certificate of compliance to the awarding authority that:
 - a. The inspections of the construction, repairs, or installations have been conducted with the degree of care and professional skill and judgment ordinarily exercised by a member of that profession; and

- b. To the best of his knowledge and in the professional opinion of the engineer, the contractor has fulfilled the obligations of such plans, specifications, and contract.
- (3) No certificate of compliance shall be issued until the architect and/or engineer is satisfied that the contractor has fulfilled the obligations of such plans, specifications, and contract.
- (c) The following shall be excepted from the requirements of subsection (a) of this section:
 - (1) Dwellings and outbuildings in connection therewith, such as barns and private garages.
 - (2) Apartment buildings used exclusively as the residence of not more than two families.
 - (3) Buildings used for agricultural purposes other than schools or assembly halls which are not within the limits of a city or an incorporated village.
 - (4) Temporary buildings or sheds used exclusively for construction purposes, not exceeding 20 feet in any direction, and not used for living quarters.
- (d) **(Effective until December 31, 2006)** 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 to projects where any of the following apply:
 - (1) The 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.
 - (2) The project is exempt from the State Building Code.
 - (3) The project has a total projected cost of less than \$100,000 and does not alter life safety systems.
- (d) **(Effective December 31, 2006)** 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 wherein 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 exempt from the State Building Code.
- (e) All plans and specifications for public buildings of any kind shall be identified by the name and address of the author thereof.

(f) Neither the designer nor the contractor involved shall receive his final payment until the required certificate of compliance shall have been received by the awarding authority.

(g) On all facilities which are covered by this Article, other than those listed in subsection (c) of this section and which require any job-installed finishes, the plans and specifications shall include the color schedule. (1953, c. 1339; 1957, c. 994; 1963, c. 752; 1973, c. 1414, s. 2; 1979, c. 891; 1981, c. 687; 1983 (Reg. Sess., 1984), c. 970, s. 1; 1989, c. 24; 1997-412, s. 11; 1998-212, s. 11.8(e); 2001-496, ss. 6, 8(e).)

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 994
H994-CSR6-11[v.2]
S. B. No. _____

DATE _____

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

COMMITTEE SUBSTITUTE _____

(Rep.) Pate
Sen.) _____

1 moves to amend the bill on page 1, line 20

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4 _____

5 _____

6 "(5) Pre-engineered garages, sheds, and
7 workshops,"

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

Signed: Louis Pate

~~ADOPTED~~ _____ FAILED _____ TABLED _____

2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 994. A BILL TO BE ENTITLED AN ACT ALLOWING THE STATE, COUNTIES, AND CITIES TO REPAIR OR CONSTRUCT CERTAIN STRUCTURES WITHOUT HAVING THE PLANS AND SPECIFICATIONS FOR THE STRUCTURES PREPARED BY A REGISTERED ARCHITECT OR ENGINEER.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 ~~on~~.

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

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

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

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

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

☐ Without prejudice.

☐ With an indefinite postponement report.

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

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

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 895

Short Title: Temp. Rules for Gen. Contrs Board/Bidding.

(Public)

Sponsors: Representatives Gibson; and Clary.

Referred to: Ways and Means.

April 7, 2003

A BILL TO BE ENTITLED

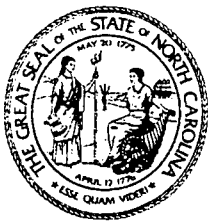
AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Licensing Board of General Contractors may adopt rules allowing a licensee under Article 2 or 4 of Chapter 87 of the General Statutes to bid and contract directly with the owner of a public building project if: (i) a licensed general contractor performs all work that falls within the classifications in G.S. 87-10(b) and the Board's rules; and (ii) the total amount of the work classified does not exceed a percentage of the total bid price pursuant to rules established by the Board.

Notwithstanding any other provisions of law to the contrary, the Board may adopt temporary rules to implement this section pursuant to G.S. 150B-21.1.

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



HOUSE BILL 895: Temp. Rules for Gen. Contrs. Board/Bidding

BILL ANALYSIS

Committee: House Ways and Means
Committee

Date: April 22, 2003

Version: House Bill 895

Introduced by: Representative Gibson

Summary by: Tim Hovis
Committee Counsel

SUMMARY: House Bill 895 would authorize the North Carolina Licensing Board of General Contractors to adopt rules allowing plumbing, heating, and electrical contractors to bid and contract directly on public building contracts if:

- A licensed general contractor performs all work as required under G.S. 87-10(b) (attached to this summary).
- The total amount of the work does not exceed a percentage of the total bid price as established by the Board.

The bill authorizes the Board to adopt temporary rules to implement this section.

EFFECTIVE DATE: House Bill 895 is effective when it becomes law.

§ 87-10. Application for license; examination; certificate; renewal.

(a) Anyone seeking to be licensed as a general contractor in this State shall file an application for an examination on a form provided by the Board, at least 30 days before any regular or special meeting of the Board accompanied by an examination fee of fifty dollars (\$50.00) and by the sum of one hundred dollars (\$100.00) if the application is for an unlimited license, the sum of seventy-five dollars (\$75.00) if the application is for an intermediate license or the sum of fifty dollars (\$50.00) if the application is for a limited license; the fees and sum accompanying any application shall be nonrefundable. The holder of an unlimited license shall be entitled to act as general contractor without restriction as to value of any single project; the holder of an intermediate license shall be entitled to act as general contractor for any single project with a value of up to seven hundred thousand dollars (\$700,000); the holder of a limited license shall be entitled to act as general contractor for any single project with a value of up to three hundred fifty thousand dollars (\$350,000); and the license certificate shall be classified in accordance with this section. Before being entitled to an examination an applicant must show to the satisfaction of the Board from the application and proofs furnished that the applicant is possessed of a good character and is otherwise qualified as to competency, ability, integrity, and financial responsibility, and that the applicant has not committed or done any act, which, if committed or done by any licensed contractor would be grounds under the provisions hereinafter set forth for the suspension or revocation of contractor's license, or that the applicant has not committed or done any act involving dishonesty, fraud, or deceit, or that the applicant has never been refused a license as a general contractor nor had such license revoked, either in this State or in another state, for reasons that should preclude the granting of the license applied for, and that the applicant has never been convicted of a felony involving moral turpitude, relating to building or contracting, or involving embezzlement or misappropriation of funds or property entrusted to the applicant: Provided, no applicant shall be refused the right to an examination, except in accordance with the provisions of Chapter 150B of the General Statutes.

(b) The Board shall conduct an examination, either oral or written, of all applicants for license to ascertain, for the classification of license for which the applicant has applied: (i) the ability of the applicant to make a practical application of the applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in reading plans and specifications, knowledge of relevant matters contained in the North Carolina State Building Code, knowledge of estimating costs, construction, ethics, and other similar matters pertaining to the contracting business; (iii) the knowledge of the applicant as to the responsibilities of a contractor to the public and of the requirements of the laws of the State of North Carolina relating to contractors, construction, and liens; and (iv) the applicant's knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If the results of the examination of the applicant shall be satisfactory to the Board, then the Board shall issue to the applicant a certificate to

engage as a general contractor in the State of North Carolina, as provided in said certificate, which may be limited into five classifications as follows:

- (1) Building contractor, which shall include private, public, commercial, industrial and residential buildings of all types.
- (1a) Residential contractor, which shall include any general contractor constructing only residences which are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138.
- (2) Highway contractor.
- (3) Public utilities contractors, which shall include those whose operations are the performance of construction work on the following subclassifications of facilities:
 - a. Water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations, and pumping stations.
 - b. Water and wastewater treatment facilities and appurtenances thereto.
 - c. Electrical power transmission facilities, and primary and secondary distribution facilities ahead of the point of delivery of electric service to the customer.
 - d. Public communication distribution facilities.
 - e. Natural gas and other petroleum products distribution facilities; provided the General Contractors Licensing Board may issue license to a public utilities contractor limited to any of the above subclassifications for which the general contractor qualifies.
- (4) Specialty contractor, which shall include those whose operations as such are the performance of construction work requiring special skill and involving the use of specialized building trades or crafts, but which shall not include any operations now or hereafter under the jurisdiction, for the issuance of license, by any board or commission pursuant to the laws of the State of North Carolina.

(b1) Public utilities contractors constructing house and building sewer lines as provided in sub-subdivision a. of subdivision (3) of subsection (b) of this section shall, at the junction of the public sewer line and the house or building sewer line, install as an extension of the public sewer line a cleanout at or near the property line that terminates at or above the finished grade. Public utilities contractors constructing water service lines as provided in sub-subdivision a. of subdivision (3) of subsection (b) of this section shall terminate the water service lines at a valve, box, or meter at which the facilities from the building may be connected. Public utilities contractors constructing fire service mains for connection to fire sprinkler systems shall terminate those lines at a flange, cap, plug, or valve inside the building one foot above the finished floor. All fire service mains shall

comply with the NFPA standards for fire service mains as incorporated into and made applicable by Volume V of the North Carolina Building Code.

(c) If an applicant is an individual, examination may be taken by his personal appearance for examination, or by the appearance for examination of one or more of his responsible managing employees, and if a copartnership or corporation, or any other combination or organization, by the examination of one or more of the responsible managing officers or members of the personnel of the applicant, and if the person so examined shall cease to be connected with the applicant, then in such event the license shall remain in full force and effect for a period of 30 days thereafter, and then be canceled, but the applicant shall then be entitled to a reexamination, all pursuant to the rules to be promulgated by the Board: Provided, that the holder of such license shall not bid on or undertake any additional contracts from the time such examined employee shall cease to be connected with the applicant until said applicant's license is reinstated as provided in this Article.

(d) Anyone failing to pass this examination may be reexamined at any regular meeting of the Board upon payment of an examination fee of fifty dollars (\$50.00). Anyone requesting to take the examination a third or subsequent time shall submit a new application with the appropriate examination and license fees.

(e) A certificate of license shall expire on the thirty-first day of December following its issuance or renewal and shall become invalid 60 days from that date unless renewed, subject to the approval of the Board. Renewals may be effected any time during the month of January without reexamination, by the payment of a fee to the secretary of the Board. The fee shall not exceed one hundred dollars (\$100.00) for an unlimited license, seventy-five dollars (\$75.00) for an intermediate license and fifty dollars (\$50.00) for a limited license. No later than November 30 of each year, the Board shall mail written notice of the amount of the renewal fees for the upcoming year to the last address of record for each general contractor licensed pursuant to this Article. Renewal applications shall be accompanied by evidence of continued financial responsibility satisfactory to the Board. Renewal applications received by the Board after January shall be accompanied by a late payment of ten dollars (\$10.00) for each month or part after January. After a lapse of two years no renewal shall be effected and the applicant shall fulfill all requirements of a new applicant as set forth in this section. (1925, c. 318, s. 9; 1931, c. 62, s. 2; 1937, c. 328; c. 429, s. 3; 1941, c. 257, s. 1; 1953, c. 805, s. 2; c. 1041, s. 3; 1971, c. 246, s. 3; 1973, c. 1036, ss. 1, 2; c. 1331, s. 3; 1975, c. 279, ss. 2, 3; 1979, c. 713, s. 2; 1981, c. 739, ss. 1, 2; 1985, c. 630, ss. 2, 3; 1989, c. 431; 1993, c. 112, ss. 1, 2; c. 553, s. 26; 1999-123, s. 1; 1999-379, s. 7; 1999-427, s. 1; 2001-140, s. 1; 2001-296, s. 1.)

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 895 A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH TEMPORARY RULES THAT ALLOW A LICENSEE TO BID AND CONTRACT DIRECTLY WITH THE OWNER OF A PUBLIC BUILDING PROJECT IN CERTAIN CIRCUMSTANCES.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

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

☐ With a favorable report as to 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 864*
PROPOSED COMMITTEE SUBSTITUTE H864-CSRG-8 [v.2]

4/16/2003 9:41:41 AM

Short Title: Guaranteed Energy Savings Contract Efficiency. (Public)

Sponsors:

Referred to:

April 7, 2003

1 A BILL TO BE ENTITLED
2 AN ACT INCREASING THE EFFICIENCY OF GUARANTEED ENERGY
3 SAVINGS CONTRACTS FOR STATE GOVERNMENTAL UNITS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-64.17B reads as rewritten:

6 "§ 143-64.17B. **Guaranteed energy savings contracts.**

7 (a) A governmental unit may enter into a guaranteed energy savings contract
8 with a qualified provider if all of the following apply:

9 (1) The term of the contract does not exceed 12 years from the date of the
10 installation and acceptance by the governmental unit of the energy
11 conservation measures provided for under the contract.

12 (2) The governmental unit finds that the energy savings resulting from the
13 performance of the contract will equal or exceed the total cost of the
14 contract.

15 (3) The energy conservation measures to be installed under the contract
16 are for an existing building.

17 ...

18 (c) A qualified provider entering into a guaranteed energy savings contract under
19 this Part shall provide ~~a bond to the governmental unit in the security to the~~
20 governmental unit in the form acceptable to the Office of the State Treasurer and in an
21 amount equal to one hundred percent (100%) of the total cost of the guaranteed energy
22 savings contract to assure the provider's faithful performance. Any bonds required by
23 this subsection shall be subject to the provisions of Article 3 of Chapter 44A of the
24 General Statutes. If the savings resulting from a guaranteed energy savings contract are
25 not as great as projected under the contract and all required shortfall payments to the
26 governmental unit have not been made, the governmental unit may terminate the
27 contract without incurring any additional obligation to the qualified provider.

28 ...

(f) In the case of a State governmental unit, a qualified provider shall, when feasible, after the acceptance of the proposal of the qualified provider by the State governmental unit, conduct an investment grade audit. If the results of the audit are not within ten percent (10%) of both the guaranteed savings contained in the proposal and the total proposal amount, either the State governmental unit or the qualified provider may terminate the project without incurring any additional obligation to the other party. However, if the State governmental unit terminates the project after the audit is conducted and the results of the audit are within ten percent (10%) of both the guaranteed savings contained in the proposal and the total proposal amount, the State governmental unit shall reimburse the qualified provider the reasonable cost incurred in conducting the audit, and the results of the audit shall become the property of the State governmental unit.

(g) In the case of a State governmental unit, a qualified provider shall provide an annual reconciliation statement based upon the results of the measurement and verification review. The statement shall disclose any shortfalls or surplus between guaranteed energy and operational savings specified in the guaranteed energy savings contract and actual, not stipulated, energy and operational savings incurred during a given guarantee year. The guarantee year shall consist of a 12-month term commencing from the time that the energy conservation measures become fully operational. A qualified provider shall pay the State governmental unit any shortfall in the guaranteed energy and operational savings after the total year savings have been determined. A surplus in any one year shall not be carried forward or applied to a shortfall in any other year."

SECTION 2. G.S. 143-64.17F reads as rewritten:

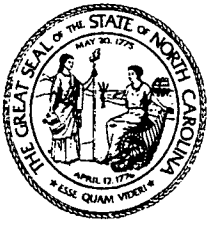
"§ 143-64.17F. State agencies to use contracts when feasible; feasible; rules; recommendations.

(a) State governmental units shall evaluate the use of guaranteed energy savings contracts in reducing energy costs and may use those contracts when feasible and practical.

(b) The Department of Administration, through the State Energy Office, shall adopt rules ~~for~~ for: (i) agency evaluation of guaranteed energy savings contracts; (ii) establishing time periods for consideration of guaranteed energy savings contracts by the Office of State Budget and Management, the Office of the State Treasurer, and the Council of State, and (iii) setting measurements and verification criteria, including review, audit, and precertification. Prior to adopting any rules pursuant to this section, the Department shall consult with and obtain approval of those rules from the State Treasurer.

(c) The Department of Administration, through the State Energy Office, may provide to the Council of State its recommendations concerning any energy savings contracts being considered."

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



HOUSE BILL 864: Guaranteed Energy Savings Contract Efficiency

BILL ANALYSIS

Committee: House Ways and Means
Committee

Date: April 16, 2003

Version: H864-CSRG-8[v.1]

Introduced by: Representatives Brubaker and
Saunders

Summary by: Tim Hovis
Committee Counsel

SUMMARY: Section 1 of the Proposed Committee Substitute for House Bill 864 would provide that, in the case of a state governmental unit, qualified providers of guaranteed energy savings contracts must conduct an investment grade audit. If the results of the audit are not within 10% of the guaranteed savings contained in the proposal, either the state governmental unit or the qualified provider may terminate the project. If the audit shows savings within 10% of the proposal and the state governmental unit terminates the proposal, the bill would require the state to reimburse the provider the reasonable costs of the audit.

The bill would also require qualified providers to provide an annual reconciliation statement demonstrating any shortfalls or surplus between specified energy savings and actual energy savings during a given guarantee year. The provider must reimburse the state governmental unit for any shortfall in actual savings for a given year.

Section 2 of the bill requires the Department of Administration to adopt rules establishing time periods for consideration of guaranteed energy savings contracts by the Office of State Budget and Management, the Office of the State Treasurer, and the Council of State and setting measurements and verification criteria. The Department is also authorized to make recommendations to the Council of State concerning any energy savings contracts.

EFFECTIVE DATE: The Proposed Committee Substitute for House Bill 864 is effective when it becomes law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **DECKER & PATE** (Chairs) for the Committee on **WAYS & MEANS**.

- ☐ Committee Substitute for
H.B. 864 A BILL TO BE ENTITLED AN ACT INCREASING THE EFFICIENCY OF
GUARANTEED ENERGY SAVINGS CONTRACTS FOR STATE GOVERNMENTAL
UNITS.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a 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)

03/19/03

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/22/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Brian Lewis	Planned Parenthood
Raige Johnson	Planned Parenthood Central NC
Ann Dobson	NC Statewatch.
Chris Nichols	Hunter + Williams
Larry Shirley	State Energy Office
Andy Romovert	NCLM
FRAN PRESTON	NCRM
Blanche "Cherry" Lane	Johnson Controls
DAVID BARNES	Poyner + Spruill
Marvin Musselwhite	Poyner + Spruill
Barbara Holt	NRTL, GSO

VISITOR REGISTRATION SHEET

WAYS & MEANS

Name of Committee

4/22/03

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Devon White	PE NC
Grady McCallin	N.L. Innovation Network
Steve Hoffman	NC SBA
John Bowditch	Antiochene
Isaiah Perry	Progress Energy Solutions
Scott Mylin	AP
Paul Stam	State House
Henry Jones	Attorney - Raleigh

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 23, 2003

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

- HB 46 - NC GOVERNMENT COMPETITION COMMISSION – Rep. Baker
- HB 995 - PURPLE HEART PLATES-PARKING METERS – Rep. Preston
- HB 1124 – LAW ENFORCEMENT OFFICERS' SECURITY ACT – Reps. Justice,
K. Williams and Goodwin
- HB 1175 – FAIR HOUSING COMPLAINTS - Rep. Michaux

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
WAYS AND MEANS**

April 23, 2003

The House Committee on Ways and Means met on Wednesday, April 23, 2003, in Room 1228 of the Legislative Building at 12:00 noon. The following members were present: Chairs-Representatives Decker and Pate, Representatives Blackwood, Culp, Gillespie, Goodwin, Harrell, Jeffus, Jones, Mitchell, Nesbitt, Parmon, Preston, and Rhodes.

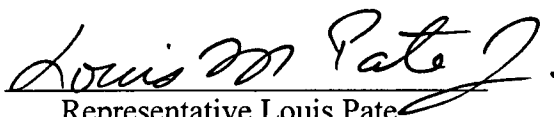
Chairman Pate called the meeting to order to consider the following bills:

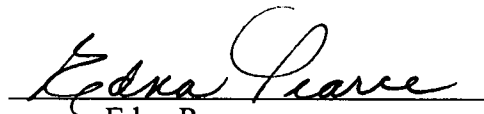
Representative Preston was recognized to explain HB 995 – AN ACT TO PERMIT VEHICLES WITH PURPLE HEART RECIPIENT SPECIAL REGISTRATION PLATES TO PARK IN METERED SPACES FREE. Representative Goodwin proposed an amendment to change effective date to October 1, 2003; amendment was adopted. Representative Gillespie proposed an amendment to add: POW's, Silver Star, Congressional Medal of Honor, and Legion of Valor. Amendment was adopted. Representative Decker made a motion to roll amendments into bill and accept the committee substitute, unfavorable to original bill.

Representative Michaux was recognized to explain HB 1175 – AN ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS COMMISSION. Representative Gillespie moved for a favorable report to original bill. Motion carried.

There being no further business, the committee adjourned at 12:55 p.m.

Respectfully submitted:


Representative Louis Pate
Presiding Chair


Edna Pearce
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 995
PROPOSED COMMITTEE SUBSTITUTE H995-PCS50265-RG-12

Short Title: Purple Heart Plates-Parking Meters.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT VEHICLES WITH CERTAIN SPECIAL REGISTRATION
PLATES TO PARK IN METERED SPACES FREE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-301(a) reads as rewritten:

"(a) On-Street Parking. – A city may by ordinance regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city. When parking is permitted for a specified period of time at a particular location, a city may install a parking meter at that location and require any person parking a vehicle therein to place the meter in operation for the entire time that the vehicle remains in that location, up to the maximum time allowed for parking there. Parking meters may be activated by coins or tokens. Proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations. Motor vehicles displaying a 'Disabled Veteran,' 'Legion of Valor,' 'Prisoner of War,' 'Purple Heart Recipient,' or 'Silver Star' special registration plate may park in any metered parking space free of charge."

SECTION 2. This act becomes effective October 1, 2003.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 995

S. B. No. _____

COMMITTEE SUBSTITUTE _____

DATE 4/23/03

Amendment No. _____

(to be filled in by
Principal Clerk)

Rep.) Goodwin
Sen.) _____

1 moves to amend the bill on page 1, line 16

2 () WHICH CHANGES THE TITLE

3 by _____

4 "SECTION 2. This act becomes
5 effective October 1, 2003."
6
7
8
9
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11
12
13
14
15
16
17
18
19

SIGNED

Wayne Goodwin

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 995

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Gillespie
Sen.) _____

1 moves to amend the bill on page 1, line 14

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4 _____
5 "ordinance and regulations - Motor vehicles
6 displaying a 'Disabled Veteran,' 'Legion of
7 Valor,' 'Prisoner of War,' 'Purple Heart
8 Recipient,' and 'Silver Star' special"

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____


15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED 

ADOPTED _____ FAILED _____ TABLED _____

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 995 A BILL TO BE ENTITLED AN ACT TO PERMIT VEHICLES WITH PURPLE HEART RECIPIENT SPECIAL REGISTRATION PLATES TO PARK IN METERED SPACES FREE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1175

Short Title: Fair Housing Complaints.

(Public)

Sponsors: Representative Michaux.

Referred to: Ways and Means.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT ALLOWING FAIR HOUSING ORGANIZATIONS TO FILE
COMPLAINTS WITH THE STATE HUMAN RELATIONS COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 41A-7(a) reads as rewritten:

"(a) Any person or fair housing organization that provides assistance to any person who claims to have been injured by an unlawful discriminatory housing practice or who reasonably believes that he will be irrevocably injured by an unlawful discriminatory housing practice may file a complaint with the North Carolina Human Relations Commission. Complaints shall be in writing, shall state the facts upon which the allegation of an unlawful discriminatory housing practice is based, and shall contain such other information and be in such form as the Commission requires. Commission employees shall assist complainants in reducing complaints to writing and shall assist in setting forth the information in the complaint as may be required by the Commission. Within 10 days after receipt of the complaint, the Director of the Commission shall serve on the respondent a copy of the complaint and a notice advising the respondent of his procedural rights and obligations under this Chapter. Within 10 days after receipt of the complaint, the Director of the Commission shall serve on the complainant a notice acknowledging the filing of the complaint and informing the complainant of his time limits and choice of forums under this Chapter.

No complaint may be filed with the Commission under this section during any period in which the Commission is not certified by the Secretary of the United States Department of Housing and Urban Development in accordance with 42 U.S.C. § 3610(f) to have jurisdiction over the subject matter of the complaint. Provided, however, that during any such period in which the Commission is not certified, any person who claims to have been injured by an unlawful discriminatory practice or who reasonably believes that he will be irrevocably injured by an unlawful discriminatory housing practice may bring a civil action directly in superior court in accordance with the provisions of subsection (j) of this section, except that any such civil action shall be

1 commenced within one year after the occurrence or termination of the alleged unlawful
2 discriminatory housing practice."

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

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 1175 A BILL TO BE ENTITLED AN ACT ALLOWING FAIR HOUSING
ORGANIZATIONS TO FILE COMPLAINTS WITH THE STATE HUMAN RELATIONS
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 (#), ☐ 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)

03/19/03

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/23/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Carolyn Justen	
Paul Meyer	NCAAC
John Phelps	NCLM
Andy Romanet	NCLM
Lucius Pullen	Counsel, NC Mining Assoc.
Peter Skillern	CRA-NC
Stella Adams	NCFair Housing Center
Stephen J. Bowers	NCHL Land Loss Prevention Project
David West	Housing Rights Center of Wake County
Janet W. Culberson	NC Human Relations Commission
Tanya Wolfman	CRA-NC

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/23/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Shayna Simpson-Hall	IDA + Asset Building Collaborative of NC
Richard Brown	CRA-NC
Veronica Smith	NC Fair Housing Center
Rich Armstrong	North Carolina Coalition of Police
Wayne Herder	NC DOT- DMV
Carole Howard	DOT / DMV
Sharon Matthews	DOT- DMV
John Cyrus	nc state Grange
John Gray	FOP
Lois Mueller	NC Coalition of Police
John Metzger	NC PBA

VISITOR REGISTRATION SHEET

WAYS & MEANS

4/23/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Perry Woods	Police Department Head
Edie Caldwell	NC Sheriff's Office
Julie Allen	NC Statewatch
Andy Romet	NCLM
Patricia Young	ACLU
Bill Rowe	NC Justice Center
Bobby Beller	PFFPNC

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 29, 2003

Room 1228

1:00 PM

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Michael Decker, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 871 - SOLAR ENERGY SAVINGS – Rep. Insko

**HB 1036 – NO CHARITABLE FOUNDATION DONATIONS TO FOR-PROFITS-
Rep. Luebke**

HB 1088 CONSUMERS' RIGHT TO KNOW ACT – Reps. Barnhart and Miller

**HB 1202 - UNC-TV/LIMIT INTERNAL SOLICITATION PROGRAMMING – Rep.
Allred**

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

April 29, 2003

The House Committee on Ways and Means met at 1:00 p.m. on Tuesday, April 29, 2003 in Room 1228 of the Legislative Building, with Representative Decker presiding. The following members were present: Representatives Pate, Blackwood, Culp, Goodwin, Harrell, Jeffus, Jones, Luebke, Mitchell, Rhodes, and Wood.

Representative Decker called the meeting to order and introduced pages and staff.


The first bill to be considered was House Bill 1088 Consumers' Right-to-Know Act sponsored by Representatives Barnhart and Miller. Representative Barnhart spoke on the bill and offered an amendment on page 2, line 7. Representative Luebke made a motion to adopt the amendment and it passed. Representative Barnhart also requested Staff to work on another amendment and set aside the bill till it was done. Later in the meeting Representative Decker returned to the amendment. Representative Pate offered the amendment on page 1, lines 11-12, and Staff explained. Also amended was page 2, line 8. Representative Wood made the motion to adopt the amendment and it passed. Representative Barnhart then read the bill to the Committee as amended. Representative Blackwood made the motion that the bill is rolled into a Committee Substitute and is unfavorable to the original bill. The motion carried.


Representative Luebke came forth to explain House Bill 1036 No Charitable Foundation Donations to for Profits. After much questioning from committee members it was decided that the bill would be removed from the agenda until which time more information could be provided to the committee.

House Bill 1202 UNC-TV/Limit Internal Solicitation Programming sponsored by Representative Allred was brought before the Committee. He explained that 5 minutes per hour was enough solicitation time for the TV station. Others disagreed and were concerned about how the station would make up the money lost if "Festival" was omitted. Representative Blackwood offered a motion for a favorable report on the bill, but it failed.

Representative Decker adjourned the meeting.

Respectfully submitted,


Michael Decker
Chair


Linda Hines
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1088

Short Title: Consumers' Right-to-Know Act.

(Public)

Sponsors: Representatives Barnhart, Miller (Primary Sponsors); and Weiss.

Referred to: Ways and Means.

April 10, 2003

A BILL TO BE ENTITLED
AN ACT TO REQUIRE CREDIT REPORTING AGENCIES TO NOTIFY
CONSUMERS WHEN THE AGENCIES RECEIVE, WITHIN A
TWELVE-MONTH PERIOD PERTAINING TO A CONSUMER, THREE
CREDIT INQUIRIES OR A REPORT THAT WOULD ADD NEGATIVE
INFORMATION TO THE CONSUMER'S CREDIT FILE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by adding a new section to read:

"§ 75-36. Credit reporting agencies disclosure to consumers required.

(a) Any person, firm, or corporation engaged in the business of reporting consumer credit information shall notify a consumer, by letter sent by first-class mail, that the consumer reporting agency will provide the consumer with a disclosure copy of the consumer's credit file at no charge and a toll-free telephone number to call to request the copy, when any one of the following events occurs within a 12-month period:

(1) The credit reporting agency has received three credit inquiries pertaining to the consumer.

(2) The credit reporting agency has received a report that would add negative information to the consumer's file.

(b) Any person, firm, or corporation engaged in the business of reporting consumer credit information is required to send only one letter to a consumer per 12-month period pursuant to subsection (a) of this section even if more than one event occurs relating to the consumer that initiated the letter in that period.

(c) Any letter mailed to a consumer pursuant to subsection (a) of this section shall not contain any identifying information particular to that consumer, including social security number, place of employment, date of birth, or mother's maiden name.

(d) Any letter mailed to a consumer pursuant to subsection (a) of this section may be a form letter; except that each letter shall advise the consumer of the number and type of events that occurred relating to the consumer that initiated the letter.

1 (e) Each person, firm, or corporation engaged in the business of reporting
2 consumer credit information shall, upon the request of a consumer, provide the
3 consumer with one disclosure copy of the consumer's file per year at no charge whether
4 or not the consumer has made the request in response to the notification required under
5 subsection (a) of this section. If the consumer requests more than one disclosure copy of
6 the consumer's file per year pursuant to this subsection, the consumer reporting agency
7 may charge the consumer up to eight dollars (\$8.00) for each additional disclosure
8 copy."

9 SECTION 2. This act becomes effective January 1, 2004.

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1H. B. No. 1088DATE 4/29/03

S. B. No. _____

Amendment No. _____

First page of amendment
COMMITTEE SUBSTITUTE _____(to be filled in by
Principal Clerk)

Rep.) _____

Sen.) _____

1 moves to amend the bill on page 1, line 11-12

2 () WHICH CHANGES THE TITLE

3 by by rewriting those lines to read:4
5 "(a) Every consumer reporting agency shall
notify a consumer, by letter sent by first-
class mail,";8
9 and on page ~~2~~ 1, lines 20-21
10 by rewriting those lines to read:11 "(b) Every consumer reporting agency
12 is required to send only one letter to a
13 consumer per ";14 and on page 1, line 16,
15 by deleting the word "credit" and
16 substituting the word "consumer";17
18 and on page 1, line 18, by deleting the
word "credit" and substituting the word
"consumer";

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

PLEASE PRESS HARD - 5 COPIES**NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT**

(Please type or use ballpoint pen)

EDITION No. 1H. B. No. 1088DATE 4/29/03

S. B. No. _____

Amendment No. _____

Second page of amendment
COMMITTEE SUBSTITUTE _____(to be filled in by
Principal Clerk)

Rep.) _____

Sen.) _____

1 moves to amend the bill on page 2, line 1-2

2 () WHICH CHANGES THE TITLE

3 by rewriting those lines to read:4 " Every consumer reporting agency
5 shall, upon the request of a consumer,
provide the " ;8 and on page 2, lines 8-9, by
9 inserting the following between those lines:10 " (f) as used in this section, the term
11 "consumer reporting agency" means
12 any person who, for monetary fees,
13 dues, or on a cooperative nonprofit
14 basis, regularly engages in whole
15 or in part in the practice of assembling
16 or evaluating consumer credit information
17 or other information on consumers for
18 the purpose of furnishing consumer reports
to third parties. "

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1H. B. No. 1088DATE 4/29/03

S. B. No. _____

Amendment No. _____

First page of amendment
COMMITTEE SUBSTITUTE _____(to be filled in by
Principal Clerk)

Rep.) _____

Sen.) _____

DATE

1 moves to amend the bill on page 1, line 11-12

2 () WHICH CHANGES THE TITLE

3 by by rewriting those lines to read:4
5 "(a) Every consumer reporting agency shall
6 notify a consumer, by letter sent by first-
7 class mail,";8
9 and on page 1, lines 20-21
10 by rewriting those lines to read:11 "(b) Every consumer reporting agency
12 is required to send only one letter to a
13 consumer per";14 and on page 1, line 16,
15 by deleting the word "credit" and
16 substituting the word "consumer";17
18 and on page 1, line 18, by deleting the
19 word "credit" and substituting the word
"consumer";

SIGNED

Louis M. Tate

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1H. B. No. 1088DATE 4/29/03

S. B. No. _____

Amendment No. _____

Second page of amendment
COMMITTEE SUBSTITUTE _____(to be filled in by
Principal Clerk)

(Rep.)

Sen.)

PATE1 moves to amend the bill on page 2, line 1-2

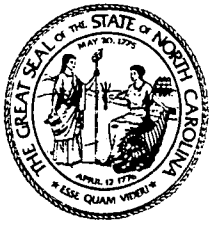
2 () WHICH CHANGES THE TITLE

3 by rewriting those lines to read:4 " Every consumer reporting agency
5 shall, upon the request of a consumer,
6 provide the " ;
78 and on page 2, lines 8-9, by
9 inserting the following between those lines:10 " (f) as used in this section, the term
11 "consumer reporting agency" means
12 any person who, for monetary fees,
13 dues, or on a cooperative nonprofit
14 basis, regularly engages in whole
15 or in part in the practice of assembling
16 or evaluating consumer credit information
17 or other information on consumers for
18 the purpose of furnishing consumer reports
19 to third parties. "

SIGNED

Louis M. Pate

ADOPTED _____ FAILED _____ TABLED _____



HB 1088: Consumers' Right-To-Know Act

BILL ANALYSIS

Committee: House Ways and Means
Date: April 22, 2003
Version: 1

Introduced by: Reps. Barnhart and Miller
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 1088 requires credit reporting agencies to notify a person and offer a free copy of the person's credit report when three inquiries or a negative information report have been received in a 12 month period.*

BILL ANALYSIS: *HB 1088 adds G.S. 75-36 to Article 1 of Chapter 75. It requires a credit reporting business to notify a person by mail that a free copy of the person's credit report is available when either three inquiries or one negative report are received within a 12 month period. Only one such notice is required in a 12 month period. The notice to the person must not contain any identifying information and must contain a toll free number the person can call to request a report. The letter need only advise the consumer of the number and type of events. Even if no request is made in response to a notification letter, the credit reporting business must, upon request, provide each consumer with one free copy of their credit report per year, and additional copies at up to \$8.00 per report.*

The act is effective January 1, 2004.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative **Decker & Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 1088 A BILL TO BE ENTITLED AN ACT TO REQUIRE CREDIT REPORTING AGENCIES TO NOTIFY CONSUMERS WHEN THE AGENCIES RECEIVE, WITHIN A TWELVE-MONTH PERIOD PERTAINING TO A CONSUMER, THREE CREDIT INQUIRIES OR A REPORT THAT WOULD ADD NEGATIVE INFORMATION TO THE CONSUMER'S CREDIT FILE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

Luebke

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1036

Short Title: No Charitable Fndn. Donations to For-Profits.

(Public)

Sponsors: Representative Luebke.

Referred to: Ways and Means.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAW THAT CHARITABLE FOUNDATIONS MAY
3 NOT DONATE TO FOR-PROFITS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 55A-13-02 reads as rewritten:

6 "§ 55A-13-02. Authorized distributions.

7 (a) A corporation may pay reasonable amounts to its members, directors, or
8 officers for services rendered or other value received and may confer benefits upon its
9 members in conformity with its purposes.

10 (b) Subject to the provisions of subsection (d) of this section:

11 (1) A corporation may make distributions to any entity that is exempt
12 under section 501(c)(3) of the Internal Revenue Code of 1986 or any
13 successor section, or that is organized exclusively for one or more of
14 the purposes specified in section 501(c)(3) of the Internal Revenue
15 Code of 1986 or any successor section and that upon dissolution shall
16 distribute its assets to a charitable or religious corporation, the United
17 States, a state or an entity that is exempt under section 501(c)(3) of the
18 Internal Revenue Code of 1986 or any successor section.

19 (2) Any corporation other than a charitable or religious corporation may
20 make distributions to any domestic or foreign corporation.
21 Specifically, a charitable corporation may not make any gift or grant to
22 a for-profit corporation.

23 (3) Except as otherwise prohibited by statute, a corporation not operated
24 for profit, the membership of which is limited to the owners or
25 occupants of real property in a condominium, cooperative housing
26 corporation, or other real property development, having as its primary
27 purposes the management, operation, preservation, maintenance, and
28 repair of common areas and improvements upon the real property
29 owned by the members and the corporation or organization, may make

1 distribution to its members of excess or surplus membership dues,
2 fees, or assessments remaining after the payment of or provisions for
3 common expenses and any prepayment of reserves; provided that these
4 distributions are in proportion to the dues, fees, or assessments
5 collected from the members.

6 (c) Subject to the provisions of subsection (d) of this section, a corporation other
7 than a charitable or religious corporation may make distributions to purchase its
8 memberships.

9 (d) A corporation shall not make any distribution under subsection (b) or (c) of
10 this section if at the time of or as a result of such distribution:

11 (1) The corporation would not be able to pay its debts as they become due
12 in the usual course of business; or

13 (2) The corporation's total assets would be less than the sum of its total
14 liabilities."

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



HB 1036: Non-Profit Donate Only To Similar Non-Profit

BILL ANALYSIS

Committee: House Ways and Means
Date: April 22, 2003
Version: PCS H1036-CSRL-24 [v.1]

Introduced by: Rep. Leubke
Summary by: Steven Rose
Committee Counsel

SUMMARY: *The Proposed Committee Substitute for HB 1036 provides that distributions by non-profit corporations that are charitable or religious corporations may only be made to non-profit entities organized for a purpose similar to that of the donor corporation.*

BILL ANALYSIS: HB 1036 amends G.S. 55A-13-02 to provide that charitable and religious corporations may not distribute funds by gift or grant to non-profit entities unless they are organized for a similar purpose.

Chapter 55A governs non-profit corporations. These include charitable and religious corporations under section 501(c)(3) of the Internal Revenue Code, as well as corporations such as cooperatives, homeowners associations, various other associations, and similar entities not designed to have income distributed to shareholders or owners. Distributions are payments not for goods or services. They may be made only under this section of the General Statutes, or upon dissolution of the non-profit corporation. Article 14 of this chapter governs distribution upon dissolution. Charitable or religious corporations are defined by G.S. 55A-1-40 as those exempt under IRS section 501(c)(3), or organized for one of the purposes under that IRS section. Under G.S. 55A-13-02(b)(1) and (2), the intent is that charitable and religious corporations be restricted from making distributions except to other charitable or religious entities. This amendment further restricts distributions for charitable and religious corporations to entities organized for a similar purpose.

The act is effective when it becomes law.

H1036-SMRL-002

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1202

Short Title: UNC-TV/ Lmt Internal Solicitation Prog.

(Public)

Sponsors: Representative Allred.

Referred to: Ways and Means.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO LIMIT PROGRAMMING BY THE UNIVERSITY OF NORTH
CAROLINA PUBLIC TELEVISION FOR INTERNAL FUND-RAISING FOR
PUBLIC TELEVISION.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 116 of the General Statutes is amended by
adding a new section to read:

**"§ 116-37.2. Public Television: limit solicitation programming for internal
fund-raising for Public Television.**

**The University of North Carolina Public Television shall not program more than five
minutes per hour of solicitation for internal fund raising purposes."**

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

VISITOR REGISTRATION SHEET

WAYS AND MEANS

APRIL 29, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Carl Davis	UNC-TV 10 TW Alexander Dr. RTP, NC
DELORES Campbell	UNC-TV 10 TW ALEXANDER DR. RTP, NC
Kiki Dutton	NCPRLG
RON OTTAVIO	Wachovia
Mark Binker	News + Record
John Cymt	m.c. state change
Ed O'Brien	PFFPNC
Mike SpATH	CHARLOTTE FIRE FIGHTERS
Tom Sri	NCRMA
Brian Lewis	Planned Parenthood Health Sgs.
Paige Johnson	Planned Parenthood Central North Carolina

VISITOR REGISTRATION SHEET

WAYS AND MEANS

APRIL 29, 2003

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Gardner Payne

McBee Woods Consulting

Julie Allen

NC Statewatch

Shant Dillard

Charlotte Office

Fiona Berkman

Charlotte Office

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

April 30, 2003

Room 1228

12:00 PM

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 1138 - PAWN BROKERS ANTITHEFT PROGRAM – Re. Ellis

HB 599 – MUNICIPAL FIRE DEPARTMENTS – Rep. Hall

HB 673 – AVERY FIRE PROTECTION – Rep. Frye

SB 450 – PROPERTY TAX CORRECTION – Sen. Queen

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
WAYS AND MEANS**

April 30, 2003

The House Committee on Ways and Means met on Wednesday, April 30, 2003, in Room 1228 of the Legislative Building at 12:00 noon. The following members were present: Chairs – Representatives Decker and Pate, Representatives Blackwood, Culp, Gillespie, Goodwin, Jeffus, Jones, Mitchell, Parmon and Rhodes.

Chairman Pate called the meeting to order to consider the following bills:

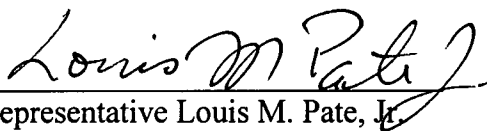
SB 450 – PROPERTY TAX CORRECTION – Representative Rapp was asked to explain the bill for Senator Queen. After explanation and some discussion, Representative Blackwood moved for a favorable report of the bill and a re-referral to the Finance Committee. The bill received a favor report.

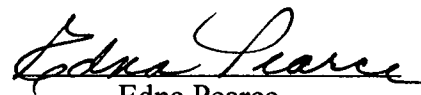
HB 673 – AVERY FIRE PROTECTION – Representative Frye was called on to explain the bill. Staff Counsel handed out a Committee Substitute, which Representative Blackwood moved to adopt for purposes of discussion. Representative Mitchell made a motion that the Committee Substitute be given a favorable report with unfavorable as to the original bill and re-referred to the Committee on Finance. The vote was unanimous.

HB 1138 – PAWN BROKERS ANTITHEFT PROGRAM – Representative Ellis was asked to explain the bill. Representative Decker made an amendment to the bill which was adopted. Mr. Howard Kramer of the North Carolina Pawn Brokers' Association, was recognized to speak regarding the bill, as well as Mr. Steve Woodson of the North Carolina Farm Bureau Insurance Company. Both men answers questions from committee members. After much discussion, Representative Gillespie moved that the bill be put into a sub-committee to be studied; the motion was passed. Representative Pate then appointed a sub-committee to be chaired by Representative Parmon, with Representatives Blackwood and Gillespie as members.

There being no further business, the meeting adjourned at 12:40 p.m.

Respectfully submitted,


Representative Louis M. Pate, Jr.
Chair


Edna Pearce
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 450*

Short Title: Property Tax Correction.

(Public)

Sponsors: Senator Queen.

Referred to: Finance.

March 18, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE RELEASE OR REFUND OF CERTAIN
3 PROPERTY TAXES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Notwithstanding the provisions of G.S. 105-380 and G.S.
6 105-381, for the 2002-2003 tax year a taxing unit shall release or refund the portion of
7 property taxes paid on real property that is attributable to the erroneous inclusion of a
8 septic or well system in the valuation of the property. For the purposes of this act,
9 "erroneous inclusion of a septic or well system" means the inclusion in the valuation of
10 real property of the value of a septic or well system that is not in fact a component part
11 of the real property. The term does not include any other errors related to septic or well
12 systems in the valuation of real property.

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

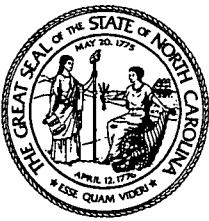
**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **Ways & Means**.

- ☐ Committee Substitute for
S.B. 450 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RELEASE OR
REFUND OF CERTAIN PROPERTY TAXES.
- ☐ With a favorable report.
- ☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☒ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to 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)

03/19/03



SENATE BILL 450: Property Tax Correction

BILL ANALYSIS

Committee: Senate Finance
Date: April 9, 2003
Version: 1st Edition

Introduced by: Sen. Queen
Summary by: Cindy Avrette
Committee Counsel

SUMMARY: *Senate Bill 450 sets a new precedent by allowing a governing body of a taxing unit to release or refund a portion of taxes on property for the prior fiscal year outside of the appeals process. The bill is restricted to a release or refund of the portion of taxes attributable to the inclusion of a well or septic system in valuing property when there was no well or septic system on the property. Many of the properties affected are served by public water and sewer but the schedule of values did not specifically include a value to be assigned to public water and sewer as it did for wells and septic systems. The authority covers tax year 2002-03.*

BILL ANALYSIS AND BACKGROUND: Senate Bill 450 seeks to address a situation that has arisen in Haywood County. The issue appears to place two rules of property taxation at odds: the valuation of property at its fair market value and the strict adherence to a county's schedule of values.

G.S. 105-283 and 105-284 require property to be appraised and assessed uniformly at its fair market value. G.S. 105-317 requires the assessor to prepare and the board of county commissioners to adopt a uniform schedule of values, standards, and rules to be used in appraising real property at its true value.

In the schedule of values adopted by the County for its most recent reappraisal, one of the factors used to appraise real property is the property's access to water and sewer. There was to be added to a property's value \$1,500 for sewer (denoted as a "S" in the schedule) and \$2,000 for water (denoted as a "W" in the schedule of values). There was a 0 value denoted for PW (public water) and for PS (public sewer). Typically properties within a municipality have public water and sewer and properties located in the more rural parts of the county have well and septic systems. To ensure that urban and rural properties were treated similarly, the assessor added \$3,500 to properties that had either public water and sewer or well and septic systems. The rationale is that the preparer of the schedule of values used S and W to denote all methods of sewer and water access rather than differentiating between public systems and wells and septic systems.

The statutes allow for the board of equalization and review to implement changes that are necessary to insure that an individual's property is appraised at fair market value through the appeals process. The Board of Equalization and Review in Haywood County heard all appeals filed with it before the published July 31 adjournment date. In some instances, the board reduced the property value of some taxpayers with public water and sewer by \$3,500 because the addition of that amount conflicted with the schedule of values. The Board of County Commissioners

SENATE BILL 450

Page 2

wants to unilaterally reduce by \$3,500 all the property served by public water and sewer on the premise that to do otherwise conflicts with its schedule of values.

G.S. 105-287(a)(2) and G.S. 105-325(a)(4) allows an assessor and the board of equalization and review to change values that resulted from a clerical error. Haywood County asserts that the misapplication of the county's schedule of values is a clerical error. The County asked the Attorney General if it could make such an adjustment based on these statutes. George Boylin, the special deputy attorney general in the revenue section, responded that the County could make future adjustments to achieve fair market value upon the petition of a taxpayer, but it could not do so for the prior 2002-tax year. The letter suggested seeking local legislation that would confer additional taxpayer rights for the prior tax year. Senate Bill 450 appears to go beyond conferring additional taxpayer rights by allowing the county to reduce urban property values by \$3,500 regardless of whether or not a taxpayer petitions the county for such an adjustment.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 673
PROPOSED COMMITTEE SUBSTITUTE H673-CSRL-31 [v.1]

4/30/2003 11:14:06 AM

Short Title: Avery Fire Protection.

(Local)

Sponsors:

Referred to:

March 26, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AVERY
3 COUNTY FIRE COMMISSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** There is hereby created the "Avery County Fire Commission"
6 (hereinafter referred to as the "Commission"), which shall be a body corporate and
7 politic, having the powers and jurisdiction hereinafter enumerated and such other and
8 additional powers as shall be conferred upon it by general law and future acts of the
9 General Assembly.

10 **SECTION 2.** The Avery County Board of Commissioners and the
11 Commission shall jointly adopt a mission statement as well as a memorandum of
12 understanding jointly agreed upon and clearly stating the expectations and obligations
13 of each under this act.

14 **SECTION 3.(a)** The Commission shall consist of five persons who are
15 residents of Avery County, two of whom shall be consumers appointed by the Board of
16 Commissioners and two of whom shall be firemen approved by the Avery County Fire
17 Association and appointed by the Board of Commissioners. The other four sitting
18 members of the Commission shall choose the remaining member. In case of a deadlock
19 or failure of the seated members to act within 60 days to file the fifth seat, a five-
20 member committee composed of the Chairman of the Board of Commissioners and
21 another commissioner appointed by the Chairman, the President of the Fire Association,
22 and another member of the Fire Association, and a fifth person chosen jointly by the
23 other four members of the committee will make the appointment. The County Manager
24 shall serve as a nonvoting ex officio member of the Commission and shall be the liaison
25 from the Commission to the Board of Commissioners. No elected official may serve on
26 the Commission. Any member of the Commission can be a member of a rescue unit, but
27 membership in a rescue unit is not a prerequisite for any appointment.

1 **SECTION 3.(b)** One of the initial Fire Association appointees shall be
2 appointed for a two-year term; the other shall be appointed for a one-year term. One of
3 the initial appointees by the Board of Commissioners shall be appointed for a two-year
4 term; the other shall be appointed for a one-year term. The at-large member appointed
5 by the four seated members shall serve a two-year term. All successors shall serve
6 two-year terms. Unexcused absence from two out of three consecutive, regularly
7 scheduled meetings, or absence from one-third of the meetings per year, shall be
8 grounds for removal from the Commission. Recurring noncompliance with Commission
9 decisions or duly adopted policy enacted by a majority vote of the Commission shall be
10 grounds for removal from the Commission by the Board of Commissioners.

11 **SECTION 3.(c)** The officers of the Commission shall consist of a chairman,
12 a vice-chairman, and a secretary/clerk. At the first meeting of each calendar year, the
13 Commission shall elect from its own membership, by majority vote, a chairman, a
14 vice-chairman, and a secretary/clerk, each of whom shall serve for one year or until the
15 officer's death, resignation, retirement, or removal. The chairman, vice-chairman, or
16 secretary/clerk may be removed from office by a simple majority vote of the
17 Commission whenever, in its judgment, the best interests of the Commission will be
18 served thereby. The Commission shall fill any vacant officer's position within 30 days
19 of the vacancy.

20 **SECTION 3.(d)** The chairman shall preside at all meetings of the
21 Commission, appoint all subcommittees, serve as an ex officio member of such
22 subcommittees, delegate responsibilities to members, notify members and the media of
23 meeting times and dates, and, upon approval of the Commission member, sign all
24 minutes and any such records, vouchers, or other documents connected with the work of
25 the Commission requiring such signature. The chairman is responsible for the decorum
26 of the meeting and may remove from the meeting, by simple majority, any member who
27 is deemed to be disruptive.

28 In the absence of the chairman, the vice-chairman shall perform the duties of
29 the chairman. The vice-chairman shall also exercise such duties as from time to time
30 may be assigned to him by the chairman of the Commission.

31 The secretary/clerk shall record the actions of the Commission, maintain and
32 secure all pertinent Commission material, and ensure adequate correspondence with
33 Commission members. All approved minutes of Commission meetings will be made
34 available for public review upon request.

35 **SECTION 3.(e)** The Commission shall meet at least monthly for regular
36 meetings. The regular meetings shall be held in a public facility convenient to the
37 public, preferably at the County Office Building.

38 The chairman may call such special meetings as may be deemed necessary to
39 carry out the duties of the Commission, or upon the written request of at least three
40 members, the chairman shall call a meeting within 10 days. Notice of special meetings
41 shall be given to all Commission members at least 48 hours in advance of any such
42 meetings.

43 Three or more members shall constitute minimum attendance to conduct
44 business.

1 Notice of the agenda items to be considered at each regular meeting shall be
2 communicated to all members at least three days prior to each meeting. All meetings
3 shall be conducted with strict compliance to the duly adopted Commission policy and
4 procedures manual.

5 **SECTION 3.(f)** Each Commission member shall be entitled to one vote.
6 Members must register their request to abstention from voting on matters that would
7 pose for them a conflict of interest. Abstention may be allowed only by approval of a
8 majority of the remaining members.

9 **SECTION 3.(g)** The Commission policy and procedures manual and
10 changes thereto shall be approved by the Avery County Board of Commissioners.

11 **SECTION 3.(h)** The Commission shall adopt suitable bylaws policy and
12 procedures, contracts, rules, and regulations for its management subject to approval by
13 the Avery County Board of Commissioners. The bylaws may be amended by a vote of
14 the Commission subject to the approval of the Avery County Board of Commissioners.
15 The members of the Commission may receive compensation or per diem and shall be
16 allowed their actual traveling expenses incurred in transacting the business and at the
17 insistence of the Commission.

18 **SECTION 4.(a)** The Commission may:

- 19 (1) Purchase, acquire, establish, construct, own, control, lease, improve,
20 maintain, or operate real or personal property.
- 21 (2) Sue and be sued in the name of the Commission.
- 22 (3) Make contracts and hold any personal property necessary for the
23 exercise of the powers of the Commission.
- 24 (4) Make all reasonable rules and regulations it deems necessary for the
25 proper maintenance, use, operation, and control of Commission
26 property and provide penalties for the violations of these rules and
27 regulations; provided, the rules and regulations are not in conflict with
28 the laws of North Carolina or local ordinance.
- 29 (5) Sell, lease, or otherwise dispose of any property, real or personal,
30 belonging to the Commission according to general law applicable to
31 counties.
- 32 (6) Sale of real property shall be made in accordance with general law
33 applicable to counties.
- 34 (7) Be responsible for any and all insurance claims or liabilities. Avery
35 County does not incur any personal or property liability.
- 36 (8) Deposit or invest and reinvest any of its funds as provided by the Local
37 Government Finance Act, as it may be amended from time to time.
- 38 (8) Have a corporate seal, which may be altered at will.
- 39 (9) Contract with and accept grants from other agencies or representatives
40 of said governmental bodies.
- 41 (10) Acquire from the county, either by gift or for such consideration as the
42 county may deem wise, any real or personal property that it now owns
43 or may hereafter acquire.

1 **SECTION 4.(b)** The Commission shall be liable for its acts or omissions
2 and shall purchase liability insurance in such amounts as the Avery County Board of
3 Commissioners shall require. Avery County shall not be liable for the acts or omissions
4 of the Commission.

5 **SECTION 5.** The Commission has the same exemptions in respect to
6 payment of taxes and license fees and eligibility for sales and use tax refunds to the
7 same extent as provided for municipal corporations by the laws of the State of North
8 Carolina.

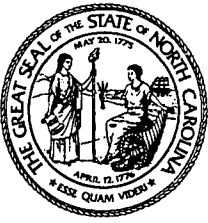
9 **SECTION 6.** The Commission shall make an annual report to the Avery
10 County Board of Commissioners setting forth in detail the operations and transactions
11 conducted by it pursuant to this act. The Commission shall not have the power to pledge
12 the credit of Avery County, or any subdivision thereof, or to impose any obligation on
13 Avery County, or any of its subdivisions, except when that power is expressly granted
14 by statute.

15 **SECTION 7.** The Avery County Board of Commissioners shall appropriate
16 funds derived from the Avery County Fire Tax to carry out the provisions of this act in
17 any proportion or upon any basis as may be determined by the Avery County Board of
18 Commissioners. The Commission may make recommendations to the Avery County
19 Board of Commissioners with respect to such appropriations.

20 **SECTION 8.** The powers granted to the Commission shall not be effective
21 until the Avery County Board of Commissioners has appointed the members of the
22 Commission, and nothing in this act shall require the Board of Commissioners to make
23 the initial appointments. It is the intent of this act to enable but not to require the
24 formation of the Commission.

25 **SECTION 9.** If any one or more sections, clauses, sentences, or parts of this
26 act shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the
27 remaining provisions thereof but shall be confined in its operation to the specific
28 provisions held to be invalid and in the inapplicability or invalidity of any section,
29 clause, sentence, or part of this act in one or more instances or circumstances shall not
30 be taken to affect or prejudice in any way its applicability or validity in any other
31 instance.

32 **SECTION 10.** This act is effective when it becomes law.



HB 673: Avery Fire Protection

BILL ANALYSIS

Committee: House Ways and Means
Date: April 30, 2003
Version: PCS H673-CSRL-31[v.1]

Introduced by: Rep. Frye
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 673 authorizes the creation of an Avery County Fire Commission to administer funds appropriated by the Board of County Commissioners from the Avery County fire district tax*

BILL ANALYSIS: The voters of Avery County have previously authorized a fire protection tax under the provisions of GS 69-25.4. The county is a single fire district. This bill authorizes the County Commissioners to create a fire commission to administer fire protection funds from the fire protection tax as determined by the county commission.

Section 1 creates the Avery County Fire Commission.

Section 2 provides for a mission statement and a memorandum of understanding to be adopted jointly by the county commissioners and the fire commission.

Sections 3.(a) through (h) set out the composition of the fire commission, who may serve, and the officers. There are five members. Terms are staggered and are ultimately for two years. Those sections also specify the regularity of meetings and how notice is provided, and that the fire commission's policy and procedures manual and its bylaws are adopted subject to approval by the county commissioners.

Section 4.(a) sets out the powers of the fire commission.

Section 4.(b) exempts Avery County for liability resulting from acts or omissions of the commission. The fire commission is required to purchase liability insurance as specified by the county commissioners.

Section 5 grants tax exemptions and eligibility for sales and use tax refunds to the same extent as a municipality.

Section 6 provides that the fire commission make an annual report to the county commission. It further provides that the fire commission shall not have the power to pledge the credit of the county.

Section 7 provides that the county commission shall, in its discretion, appropriate funds from the fire tax to carry out the provisions of this act. It also provides that the fire commission may make recommendations regarding the appropriations.

Section 8 provides that no powers of the fire commission are effective until the county commission makes its fire commission appointments under section 3.(a) and that the county commission is not obligated to do so.

Section 9 is a severability clause.

The act is effective when it becomes law.

OVER

HB 673

Page 2

BACKGROUND: There is a provision for the appointment of a fire commission under GS 69-25.7. It is a three person commission and operates under the supervision of the board of county commissioners.

H673-SMRL-001

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for
H.B. 673 A BILL TO BE ENTITLED AN ACT AN ACT TO ENABLE THE COUNTY OF
AVERY TO ESTABLISH AN AVERY COUNTY FIRE 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 (#), ☐ 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 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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 1138

Short Title: Pawn Brokers Antitheft Program.

(Public)

Sponsors: Representative Ellis.

Referred to: Ways and Means.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PROGRAM FOR PAWNBROKERS TO AID IN THE
3 RECOVERY OF STOLEN PROPERTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 91A of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 91A-15. Program to aid in the recovery of stolen property.**

8 (a) In order to implement the provisions of G.S. 91A-10(6) that no pawnbroker
9 shall take any article known to such pawnbroker to be stolen unless there is a written
10 agreement with local or State police, there is established the Pawnbroker Stolen Goods
11 Recovery Program.

12 (b) If a pawnbroker suspects that an item to be taken as a pawn, pledge, or
13 security is stolen, the pawnbroker may take the property if the transaction is
14 immediately reported in writing to the local police and the State Bureau of
15 Investigation.

16 (c) If an investigation shows that the property is stolen, the pawnbroker shall
17 receive one point. At the end of each calendar year, all the funds received under
18 subsection (d) of this section, as well as an allocation made by the Department of
19 Insurance from monies received by the State from the license fees paid by pawnbrokers
20 and from the property insurance premium tax placed in the Pawnbroker Stolen Goods
21 Recovery Program Fund, and pawnbrokers shall be paid from these funds in proportion
22 to the number of points they have earned under the program.

23 (d) Insurance companies shall also pay into the Fund twenty-five percent (25%)
24 of the amount of claims that it would have had to pay out for any insured property
25 recovered under this program that was returned to its rightful owner."

26 SECTION 2. This act becomes effective December 1, 2003.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 1138

S. B. No. _____

DATE 4/30/03

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

M. Decker

1 moves to amend the bill on page 1, line 20

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4
5 "and from the property insurance
6 premium tax shall be placed
7 in the Pawnbroker Stolen Goods "

8

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SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

Ways & Means Committee 4/30/03
Name of Committee Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE ASSISTANT

[illegible]

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

May 21, 2003

Room 1228

12:00 PM

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

**HB 1124 – LAW ENFORCEMENT OFFICERS' SECURITY ACT – Reps. Justice,
K. Williams and Goodwin**

**SB 659 – CHARITABLE SOLICITATIONS/INFORM THE PUBLIC – Senator
Bingham**

SB 840 - NC'S OFFICIAL INTERNATIONAL FESTIVAL – Senator Queen

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
WAYS AND MEANS**

May 21, 2003

The House Committee on Ways and Means met on Wednesday, May 21, 2003, in Room 1228 of the Legislative Building at 12:00 noon. The following members were present: Chairs-Representatives Decker and Pate; Representatives Blackwood, Gillespie, Goodwin, Jeffus, Jones, Mitchell, Parmon and Ex-officio Brubaker.

Chairman Pate called the meeting to order to consider the following bills:

HB 1138 – PAWN BROKERS ANTITHEFT PROGRAM - Representative Parmon chaired a sub-committee to study HB 1138, and was recognized to give a report of the committee's findings on the bill. She thanked Representatives Blackwood and Gillespie for helping her on the committee, and reported that everyone agreed this is a good bill and requested that it be referred to the Committee on Public Justice and Safety. Since the bill was not on the agenda to be heard today, the chairs will decide on appropriate action.

**HB 1124 – LAW ENFORCEMENT OFFICERS' SECURITY ACT and
SB 659 – CHARITABLE SOLICITATIONS/INFORM THE PUBLIC** – Bill sponsors requested that these bills be pulled from today's agenda and be heard at a later time.

SB 840 – NC'S OFFICIAL INTERNATIONAL FESTIVAL - Senator Joe Queen was recognized to explain the bill. He said this bill would adopt the Folkmoot USA festival as North Carolina's official international festival. He said the name "folk moot" is derived from an old English word meaning "meeting of the people." As noted in the bill, the Folkmoot USA festival is an international festival held in the western part of the state to promote the cultural exchange of traditional dance and music. Originally held in 1984, festival participants over the years have included over 190 folk groups representing 95 counties. Approximately 70,000 visitors from 40 states or more attend the festival annually.


Representative Decker moved for a favorable report of SB 840; the vote was unanimous.

There being no further business, the meeting adjourned at 12:25 p.m.

Respectfully submitted,



Representative Louis M. Pate, Jr.,
Chair



Edna Pearce
Committee Assistant

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

2

**SENATE BILL 840
Rules and Operations of the Senate Committee Substitute Adopted 4/30/03**

Short Title: NC's Official International Festival.

(Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL
3 INTERNATIONAL FESTIVAL.

4 Whereas, Folkmoot USA is an annual international festival held in Western
5 North Carolina by North Carolina International Folk Festival, Inc., to promote the
6 cultural exchange of traditional dance and music; and

7 Whereas, the name "Folkmoot" is an old English word meaning "meeting of
8 the people"; and

9 Whereas, the first Folkmoot festival was held in 1984 and has grown to one
10 of the largest folk festivals of its kind; and

11 Whereas, most of Folkmoot's worldwide participants are not professional
12 dancers and musicians, but ordinary people who are proud of their culture and enjoy
13 sharing it with others; and

14 Whereas, these diverse, international performers wear native costumes, play
15 unique instruments, and perform authentic folk dances; and

16 Whereas, over the years, 190 folk groups representing 95 countries have
17 participated in Folkmoot; and

18 Whereas, Folkmoot has been named a "Top 20 Event in the Southeast" by the
19 Southeast Tourism Society for 16 years, a 2003 "Top 100 Event in America" by the
20 North American Bus Association, and one of North Carolina's "Most Outstanding
21 Festivals"; and

22 Whereas, Folkmoot's 70,000 annual visitors come from more than 40 states
23 and from more than half of North Carolina's cities and towns; and

24 Whereas, Folkmoot creates a positive economic impact of almost four million
25 dollars in the State; and

26 Whereas, Folkmoot is a great cultural resource that provides entertainment
27 and education and promotes tourism in North Carolina; and

Whereas, adopting Folkmoot USA as North Carolina's official international festival will enhance the exchange of international culture and increase tourism in North Carolina; 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:

"§ 145-19. State International Festival.

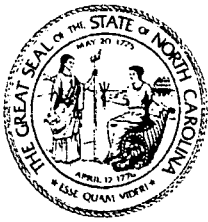
Folkmoot USA is adopted as the official international festival of the State of North Carolina."

SECTION 2. The title of Chapter 145 reads as rewritten:

"Chapter 145.

**~~State Flower, Bird, Tree, Shell, Mammal, Fish, Insect, Stone, Reptile and Rock,~~
~~Beverage, Historical Boat, Language, Dog, Military Academy, Tartan,~~
~~Watermelon Festival, Symbols and Other Official Adoptions."~~**

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



SENATE BILL 840: NC's Official International Festival

BILL ANALYSIS

Committee: House Ways and Means
Committee

Date: May 21, 2003

Version: Senate Bill 840

Introduced by: Senator Queen

Summary by: Tim Hovis
Committee Counsel

SUMMARY: *Senate Bill 840 would adopt the Folkmoot USA festival as North Carolina's official international festival.*

The bill also renames Chapter 145 of the General Statutes to simplify the title to read "State Symbols and Other Official Adoptions."

Senate Bill 840 is effective upon becoming law.

BACKGROUND: The name "folk moot" is derived from an old English word meaning "meeting of the people." As noted in the bill, the Folkmoot USA festival is an international festival held in the western part of the state to promote the cultural exchange of traditional dance and music. Originally held in 1984, festival participants over the years have included over 190 folk groups representing 95 countries. Approximately 70,000 visitors from 40 states or more attend the festival annually.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☒ Committee Substitute for

S.B. 840 A BILL TO BE ENTITLED AN ACT TO ADOPT FOLKMOOT USA AS NORTH CAROLINA'S OFFICIAL INTERNATIONAL FESTIVAL.

☒ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

VISITOR REGISTRATION SHEET

WAYS & MEANS

5/21/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

BOBBY RIDDLE	PFFPNC
Lorin Mueller	NC Coalition of Police
Rachel O'Brien	PFFPNC
Kate Groch	NCGA - LA Sen. Queen
Elizabeth Jucker	Waynesville Board of Aldermen
LEE GALLAGHER	WAYNESVILLE TWP MANAGER
Gary Caldwell	Alderman of Town of Waynesville
Scott Buffkin	Town Manager - Maggie Valley
Tron Cockman	NC State Watch
Elliot A. Rushing	NC Department of Secretary of State
BRIAN LEWIS	Planned Parenthood

VISITOR REGISTRATION SHEET

WAYS & MEANS

5/21/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

July 9, 2003

Room 1228

15 Minutes After Session

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 451 – MEDICAID COUNTY SHARE – Reps. McHenry, Pate, Moore and Walend

SB 659 – CHARITABLE SOLICITATIONS/INFORM THE PUBLIC – Sen. Bingham

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE ON
WAYS AND MEANS**

July 9, 2003

The House Committee on Ways and Means met on Wednesday, July 9, 2003, in Room 1228 of the Legislative Building at 4:35 p.m. The following members were present: Chairs-Representatives Decker and Pate; Representatives Blackwood, Gillespie, Goodwin, Jeffus, Jones, Luebke, Nesbitt, Parmon and Rhodes.

Chairman Pate called the meeting to order to consider the following bills:

HB 451 – MEDICAID COUNTY SHARE – Representative Gillespie moved for adoption of the Committee Substitute for discussion purposes; motion carried. Representative McHenry was then recognized to explain the bill followed by Representative Walend, who also spoke briefly on the bill.

After considerable discussion by the members, Chairman Pate asked if there were any visitors who wished to speak regarding the bill. Patrice Roesler of the North Carolina Association of County Commissioners, was then recognized to express the view of the County Commissioners. She said they felt this bill would be a tremendous benefit to the counties, and encouraged members to support the bill.

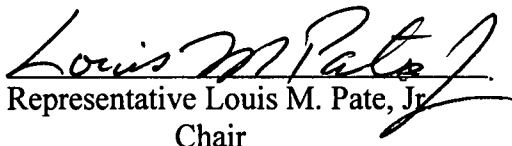
After much discussion, motion was made by Representative Gillespie for a favorable report to the Proposed Committee Substitute, with unfavorable to the original bill, and re-referred to the Committee on Finance. Motion carried.

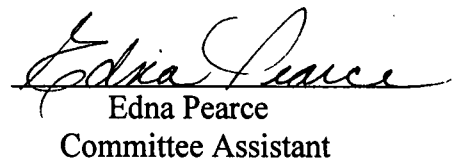
Later during the meeting, motion to reconsider was made by Representative Gillespie for a favorable report to Proposed Committee Substitute with unfavorable to the original bill, and re-referred to Appropriations. Motion carried.

SB 659 – CHARITABLE SOLICITATIONS/INFORM THE PUBLIC – Senator Bingham was recognized to explain the bill. After a brief discussion, Representative Decker made a motion for favorable report to the Proposed Committee Substitute with unfavorable to the original bill. Motion carried.

There being no further business, the meeting adjourned at 5:30 p.m.

Respectfully submitted,


Representative Louis M. Pate, Jr.
Chair


Edna Pearce
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 451*
PROPOSED COMMITTEE SUBSTITUTE H451-PCS30409-RG-25

Short Title: Medicaid County Share.

(Public)

Sponsors:

Referred to:

March 13, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PHASE-OUT OVER A FIVE-YEAR PERIOD THE COUNTY SHARE
3 OF THE NONFEDERAL SHARE OF MEDICAID COSTS FOR CERTAIN LONG
4 TERM CARE EXPENDITURES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding any other provision of law to the contrary, the
7 county portion of the nonfederal share of the State Medical Assistance Program for long
8 term care expenditures is reduced by three percent (3%) each fiscal year, beginning July
9 1, 2005, until the county portion of the nonfederal share for long term care expenditures,
10 excluding administrative costs, equals zero percent (0%). Effective July 1, 2009, the
11 nonfederal share of the Medical Assistance Program for long term care expenditures,
12 excluding administrative costs, shall be borne by the State. As used in this section,
13 "long term care expenditures" means those expenditures for services provided in nursing
14 facilities and ICF-MR facilities, Community Alternative Programs, home health
15 services, personal care services, and adult care home basic and enhanced personal care
16 services.

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

FISCAL ANALYSIS MEMORANDUM

[This confidential fiscal memorandum is a fiscal analysis of a draft bill, amendment, committee substitute, or conference committee report that has not been formally introduced or adopted on the chamber floor or in committee. This is not an official fiscal note. If upon introduction of the bill you determine that a formal fiscal note is needed, please make a fiscal note request to the Fiscal Research Division, and one will be provided under the rules of the House and the Senate.]

DATE: June 5, 2003

TO: House Ways and Means Committee

FROM: L. Carol Shaw
Fiscal Research Division

RE: Proposed Committee Substitute for HB 451

FISCAL IMPACT (\$Mil)

Yes (X) No () No Estimate Available ()

	<u>FY</u> <u>2003-04</u>	<u>FY</u> <u>2004-05</u>	<u>FY</u> <u>2005-06</u>	<u>FY</u> <u>2006-07</u>	<u>FY</u> <u>2007-08</u>	<u>FY</u> <u>2008-09</u>	<u>FY</u> <u>2009-10</u>
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STATE

EXPENDITURES	0	0	\$32.1	\$70.4	\$119.7	\$174.4	\$246.0
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COUNTY

EXPENDITURES	0	0	(\$32.1)	(\$70.4)	(\$119.7)	(\$174.4)	(\$246.0)
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POSITIONS:	0	0	0	0	0	0	0
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PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Health and Human Services

EFFECTIVE DATE: When it becomes law.

BILL SUMMARY:

The proposed legislation reduces the nonfederal share of the Medicaid Assistance Program borne by counties by phasing out the counties' share of expenditures for long-term care services provided by the Medicaid Program. The county share of expenditures for long-term care services is reduced 3% per year beginning July 1, 2005 with full phase out by July 1, 2009. Long-term care expenditures are defined as services provided in nursing facilities and ICF-MR facilities, Community Alternative Programs, home health services, personal care services, and adult care home basic and enhanced personal care services. The county portion of the nonfederal share of all other services provided under the Medicaid Program will remain at 15% of the nonfederal share. County administrative costs are not included in the phase-out. As the county share is phased-out, the State will begin paying the county share.

ASSUMPTIONS AND METHODOLOGY:

Background

The Federal Financial Participation (FFP) Rate determines the federal share of the Medicaid program. The rate is based on the relationship between each state's per capita personal income and that of the nation as a whole. The FFP is calculated annually and the rate changes each year. Under state law, county governments pay 15% on the nonfederal share of the North Carolina Medicaid program. During the past five years, the actual share of the total Medicaid Program for county governments has ranged from 5.5% to 5.75%.

Assumptions

1. **County Share:** The proposed legislation states that the county portion of the nonfederal share of long-term care expenditures under the Medicaid Program will be reduced 3% a year. The actual county share assuming no change in the county portion of the nonfederal share is based on projections of the Federal Financial Participation Rate from the Division of Medical Assistance. The actual county share of long-term care expenditures under the Medicaid Program under the proposed legislation is reduced by about 1.1 % per year as the county portion of the nonfederal share of long-term care expenditures under the Medicaid Program is reduced by 3% a year until the actual county share of long-term care expenditures under the Medicaid Program reaches zero in SFY 2009-10.

State Fiscal Year	County Portion of Nonfederal Share For All Other Medicaid Services	Actual County Share On All Other Medicaid Services	County Portion of Nonfederal Share For Long-Term Care Services	Actual County Share For Long-Term Care Services
2003-04	15%	5.58%	15%	5.58%
2004-05	15%	5.57%	15%	5.57%
2005-06	15%	5.63%	12%	4.50%
2006-07	15%	5.68%	9%	3.41%
2007-08	15%	5.72%	6%	2.29%
2008-09	15%	5.75%	3%	1.15%
2009-10	15%	5.79%	0%	0.00%

2. **Projected Medicaid Budget:** In order to determine the fiscal impact of the proposed legislation, the total Medicaid Budget must be projected through SFY 2009-10. This fiscal note uses actual projections for SFYs 2003-04 and 2004-05 from the most current Medicaid Forecast (May 2003 version) from the Division of Medical Assistance. The projection for SFYs 2005-06 through 2009-2010 is based on national growth rates for Medicaid that was developed by the Office of the Actuary for the Centers for Medicare/Medicaid.

State Fiscal Year	Growth Rate	Projected Medicaid Budget
2003-04	Actual	\$7,592,222,232
2004-05	Actual	\$8,715,909,449
2005-06	8.9%	\$9,491,625,390
2006-07	8.9%	\$10,336,380,050
2007-08	8.9%	\$11,256,317,874
2008-09	8.6%	\$12,224,361,211
2009-10	8.6%	\$13,275,656,275

3. **Estimated Long-Term Care Expenditures:** Using the projections for the total Medicaid budget for FY 2003-04, expenditures for long-term-care services as defined by the proposed legislation can be estimated. Long-term care expenditures for FY 2003-04 are projected to be \$2,226,314,240 or 29% of the \$7,592,222,232. Since long-term care services provided in the community (Home Health, Personal Care Services, and Community Alternative Programs) are growing at a faster rate than long-term care services provided in institutions (Nursing Facilities, Intensive Care Facilities for the Mentally Retarded, and Adult Care Homes), this fiscal note assumes that the portion of total Medicaid expenditures for long-term care services will increase 1% every other fiscal year.

State Fiscal Year	Estimated Portion of Total Medicaid Expenditures for Long-Term Care Services	Projected Medicaid Budget for Long-term Care Services
2003-04	29%	\$2,201,744,447
2004-05	29%	\$2,527,613,740
2005-06	30%	\$2,847,487,617
2006-07	30%	\$3,100,914,015
2007-08	31%	\$3,489,458,541
2008-09	31%	\$3,789,551,975
2009-10	32%	\$4,248,210,008

4. **Estimated County Expenditures:** Using the projections for the total Medicaid budget, county expenditures for the Medicaid program can be estimated. The chart below shows projected county expenditures for long-term care services and all other services provided under Medicaid assuming no change in the county portion of the nonfederal share of the Medicaid program.

**Under
Current
Law**

State Fiscal Year	Estimated County Expenditures for All Other Medicaid Services	Estimated County Expenditures for Long-Term Care Services
2003-04	\$300,950,375	\$122,923,392
2004-05	\$344,842,778	\$140,851,276
2005-06	\$374,131,398	\$160,342,028
2006-07	\$410,902,116	\$176,100,907
2007-08	\$443,992,514	\$199,474,897
2008-09	\$485,338,923	\$218,050,821
2009-10	\$522,824,550	\$246,035,083

The next chart shows estimated county expenditures for long-term care services and all other services provided under Medicaid assuming the county portion of the nonfederal share of the Medicaid Program is phased-out for long-term care expenditures.

**Under
PCS for
HB 451**

State Fiscal Year	Estimated County Expenditures for All Other Medicaid Services	Estimated County Expenditures for Long-Term Care Services
2003-04	\$300,950,375	\$122,923,392
2004-05	\$344,842,778	\$140,851,276
2005-06	\$374,131,398	\$128,273,622
2006-07	\$410,902,116	\$105,660,544
2007-08	\$443,992,514	\$79,789,959
2008-09	\$485,338,923	\$43,610,164
2009-10	\$522,824,550	\$0

5. **Fiscal Impact on State and Local Expenditures for Medicaid:** The fiscal impact on state and local expenditures is calculated by subtracting the estimated county expenditures under the PCS for HB 451 from the estimated county expenditures under current law. The following chart shows the fiscal impact of the proposed legislation on state and local expenditures for the Medicaid Program.

State Fiscal Year	Fiscal Impact on State Expenditures	Fiscal Impact on County Expenditures
2003-04	\$0	\$0
2004-05	\$0	\$0
2005-06	\$32,068,405	(\$32,068,405)
2006-07	\$70,440,363	(\$70,440,363)
2007-08	\$119,684,938	(\$119,684,938)
2008-09	\$174,440,656	(\$174,440,656)
2009-10	\$246,035,083	(\$246,035,083)

SOURCES OF DATA:

Departments of Health and Human Services
Division of Medical Assistance

TECHNICAL CONSIDERATIONS: None

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS.**

☐ Committee Substitute for

H.B. 451 A BILL TO BE ENTITLED AN ACT TO PHASE-OUT THE COUNTY SHARE OF THE NONFEDERAL SHARE OF MEDICAID COSTS OVER A FIVE-YEAR PERIOD.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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 *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)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

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D

SENATE BILL 659

Judiciary II Committee Substitute Adopted 4/16/03

PROPOSED HOUSE COMMITTEE SUBSTITUTE S659-PCS35345-RL-45

Short Title: Charitable Solicitations/Inform the Public.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO
INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING
SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE
PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT
CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS
BENEFITS FROM SOLICITATION CAMPAIGNS, TO PROVIDE FOR WIDER
DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC AND TO
EXEMPT CERTAIN NONPROFIT FIRE OR EMERGENCY MEDICAL
SERVICE ORGANIZATIONS FROM REPORTING AND OTHER
REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131F-30 reads as rewritten:

"§ 131F-30. Public information; annual report.

(a) Public Information Program. – The Department shall develop a public information program to further the purposes of this Chapter. The purpose of the program is to help the public recognize unlawful, misleading, deceptive, or fraudulent solicitations and make knowledgeable, informed decisions concerning contributions.

(b) Information to Be Included. – The program shall include information concerning:

(1) The laws governing solicitations, including licensing and disclosure requirements, prohibited acts, and penalties.

(2) The means by which the public can report suspected violations or file a complaint.

(3) Any other information the Department believes will assist the public in making knowledgeable and informed decisions concerning contributions.

(c) Annual Report. – The Department shall prepare an annual report to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives and to be made available to the public by publishing it on the Department's web site, summarizing the information filed under this Chapter which the Department determines will assist the public in making informed and knowledgeable decisions concerning contributions. The report shall include the following:

(1) A list of complaints filed for which violations were found to have occurred in each of the following categories: charitable organizations, sponsors, solicitors, and fund-raising consultants.

(2) A list of the number of investigations by the Department, enforcement actions commenced under this Chapter, and the disposition of those actions.

(3) A list of those charitable organizations and sponsors that have voluntarily submitted an audited financial statement pursuant to G.S. 131F-6(a)(10) or an audit with an opinion prepared by an independent certified public accountant.

(4) A list of all solicitors licensed under this Chapter and the fixed percentage of the gross revenue that the charitable organization or sponsor will receive as a benefit from the solicitation campaign, the reasonable estimate of the percentage of the gross revenue that the charitable organization or sponsor will receive as a benefit from the solicitation campaign, or the guaranteed minimum percentage of the gross revenue that the charitable solicitation or sponsor will receive as a benefit from the solicitation campaign as provided in the contract between the solicitor and the charitable organization or sponsor, whichever of these three amounts is least. This list shall appear in order of percentages, from lowest to highest.

(d) Each year immediately following the submission of the report under subsection (c) of this section, the Secretary of State shall issue that report as a press release to all print and electronic news media that provide general coverage."

SECTION 2. G.S. 131F-16(h) reads as rewritten:

"(h) Financial Report. – Within 90 days after a solicitation campaign has been completed and on the anniversary of the commencement of a solicitation campaign lasting more than one year, the solicitor shall provide to the charitable organization or sponsor and file with the Department a financial report of the campaign, including the gross revenue ~~received and~~ received, an itemization of all expenses ~~incurred~~ incurred, and the fixed percentage of the gross revenue that the charitable organization or sponsor received as a benefit from the solicitation campaign. The report shall be completed on a form provided by the Department and shall be signed by an authorized official of the solicitor who shall certify under oath that the report is true and correct."

SECTION 3. G.S. 131F-3 reads as rewritten:

"§ 131F-3. Exemptions.

The following are exempt from the provisions of this Chapter:

- (1) Any person who solicits charitable contributions for a religious institution.
- (2) Solicitation of charitable contributions by the federal, State, or local government, or any of their agencies.
- (3) Any person who receives less than twenty-five thousand dollars (\$25,000) in contributions in any calendar year and does not provide compensation to any officer, trustee, organizer, incorporator, fund-raiser, or solicitor.
- (4) Any educational institution, the curriculum of which, in whole or in part, is registered, approved, or accredited by the Southern Association of Colleges and Schools or an equivalent regional accrediting body, and any educational institution in compliance with Article 39 of Chapter 115C of the General Statutes, and any foundation or department having an established identity with any of these educational institutions.
- (5) Any hospital licensed pursuant to Article 5 of Chapter 131E or Article 2 of Chapter 122C of the General Statutes and any foundation or department having an established identity with that hospital if the governing board of the hospital, authorizes the solicitation and receives an accounting of the funds collected and expended.
- (6) Any noncommercial radio or television station.
- (7) A qualified community trust as provided in 26 C.F.R. § 1.170A-9(e)(10) through (e)(14).
- (8) A bona fide volunteer or bona fide employee or salaried officer of a charitable organization or sponsor.
- (9) An attorney, investment counselor, or banker who advises a person to make a charitable contribution.
- (10) A volunteer fire department, rescue squad, or emergency medical service.
- (11) A Young Men's Christian Association or a Young Women's Christian Association.
- (12) A nonprofit continuing care facility licensed under Article 64 of Chapter 58 of the General Statutes.
- (13) Any tax exempt nonprofit fire or emergency medical service organization involved in the sale of goods or services that does not ask for a donation."

SECTION 4. This act becomes effective January 1, 2004.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **Ways & Means**.

☒ Committee Substitute for

S.B. 659 A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF THE SECRETARY OF STATE TO INCLUDE IN ITS ANNUAL REPORT INFORMATION REGARDING SOLICITATIONS OF CHARITABLE CONTRIBUTIONS THAT INFORMS THE PUBLIC OF THE PERCENTAGES OF THE SOLICITORS' REVENUES THAT CHARITABLE ORGANIZATIONS OR SPONSORS WILL RECEIVE AS BENEFITS FROM SOLICITATION CAMPAIGNS AND TO PROVIDE FOR WIDER DISSEMINATION OF THE ANNUAL REPORT TO THE PUBLIC.

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

03/19/03

VISITOR REGISTRATION SHEET

WAYS & MEANS

7/09/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bob Biddle	PFFPNC
Rachael Kessler	NCACC
Bob Engle	Rep.
Camille Stoll	KCHH
David R. Anderson	PFFPNC
Brian Shank	AZ
Rob Lawrence	HHS
Stella McKenney	HHS
Me Brogden	HHS/DNA
Bill McFee	Rep
Todd McFee	NCACC

VISITOR REGISTRATION SHEET

WAYS & MEANS

7/09/03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Jean Blackburn	N.C. Association of County Commissioners
Patrice Roesler	"
John Bowditch	Astra Zeneca
Richard L. O'Brien	PFF PNC
Marybeth Singletary	Intern-Rep. Jeffrus
Ken McHaul	Alley Associates
Brett Keeler	Rep. McHenry's Office
Thomas Currin	"

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2003-2004 SESSION**

You are hereby notified that the Committee on **WAYS AND MEANS** will meet as follows:

DAY & DATE: **Wednesday, June 9, 2004**

TIME: **12:00 Noon**

LOCATION: **1228 LB**

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

BILLS TO BE ANNOUNCED

Respectfully,

Representatives Decker & Pate
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at
9:00 a.m. on Thursday, June 3, 2004.

____Principal Clerk
____Reading Clerk - House Chamber

Edna Pearce (Committee Assistant)

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

June 9, 2004

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Louis Pate, Chair

BILLS TO BE DISCUSSED IN COMMITTEE:

(Listed in numerical order; not necessarily in agenda order.)

HB 1695 – KERNERSVILLE ANNEXATION REFERENDA – Rep. Decker

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

June 9, 2004

The House Committee on Ways and Means met at 12:00 noon on Wednesday, June 9, 2004, in Room 1228 of the Legislative Building, with Representative Pate presiding. The following members were present: Co-chairs Decker and Pate, Representatives Blackwood, Culp, Fisher, Gillespie, Jeffus, Jones, Luebke, Mitchell, Parmon and Wood. Counsel present for the Committee was Tim Hovis.


Chairman Pate called the meeting to order and welcomed everyone. He began by recognizing and extending a special welcome to a new representative of the NC House, Representative Susan Fisher, who replaced Representative Nesbitt. He then recognized the Sergeants-at-Arms: Paul Rucho, Bill Freeman, Leslie Oakley and Paul Curry, followed by the House Pages, Elizabeth Sung and Jason Steinberg.

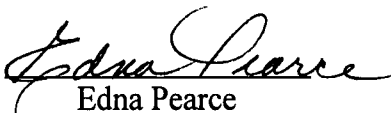
Chairman Pate asked Tim Hovis, Counsel for Ways and Means, to explain the legal issues pertaining to HB 1695 - KERNERSVILLE ANNEXATION REFERENDA – sponsored by Representative Decker. Representative Decker was then called upon to explain the bill. After much discussion and many questions, the following individuals were recognized to speak on the bill: (1) Ellis Hankins, Executive Director for the League of Municipalities; (2) Keith Holliday, Mayor of Greensboro; (3) Catherine Heath of Wake County, and (4) Bruce Radford, Manager, Town of Apex.

After much discussion, Representative Decker sent forth an amendment changing the “5% of qualified voters resident in the area to 15%.” The amendment was adopted. A motion was made by Representative Gillespie that the bill be rolled over into a committee substitute and if favorable be referred without prejudice to the Committee on Finance. Representative Jones requested a Roll Call Vote resulting in 7 members voting NO and 5 members voting YES. The motion failed; the bill remains in committee.

There being no further business, the meeting adjourned at 1:10 p.m.

Respectfully submitted,


Louis M. Pate, Jr., Chair


Edna Pearce
Committee Assistant

Attachments

ROLL CALL VOTE

5 7 = 12 (TOTAL)
YES NO

HB# 1495
SB# _____

HOUSE STANDING COMMITTEE ON WAYS AND MEANS

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Decker, Chair	<input type="checkbox"/>	<input type="checkbox"/>	Brubaker, Ex officio
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pate, Chair	<input type="checkbox"/>	<input type="checkbox"/>	Culpepper, Ex officio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Blackwood	<input type="checkbox"/>	<input type="checkbox"/>	Cunningham, Ex officio
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Culp	<input type="checkbox"/>	<input type="checkbox"/>	Eddins, Ex officio
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fisher	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Gillespie	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Goodwin	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Harrell	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Jeffus	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Jones	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Luebke	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parmon	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Preston	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	Rhodes	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wood	<input type="checkbox"/>	<input type="checkbox"/>	
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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1695

Short Title: Kernersville Annexation Referenda.

(Local)

Sponsors: Representative Decker.

Referred to: Ways and Means, if favorable, Finance.

May 27, 2004

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING
REFERENDA ON ANNEXATIONS IN THE TOWN OF KERNERSVILLE IF
REQUESTED BY PETITION OR BY THE GOVERNING BOARD OF THE
TOWN.

The General Assembly of North Carolina enacts:

SECTION 1. Parts 2 and 3 of Article 4A of Chapter 160A of the General
Statutes do not apply to the Town of Kernersville.

SECTION 2. Part 1 of Article 4A of Chapter 160A of the General Statutes is
amended by adding the following new sections:

**"§ 160A-28.1. Procedure for adoption of ordinance extending limits; effect of
adoption when no election required; public hearing and notice thereof.**

After public notice has been given by publication once a week for four successive
weeks in a newspaper in the county with a general circulation in the municipality, or if
there be no such paper, by posting notice in five or more public places within the
municipality, describing by metes and bounds the territory to be annexed, thus notifying
the owner or owners of the property located in such territory, that a session of the
municipal legislative body will meet for the purpose of considering the annexation of
such territory to the municipality, the governing body of any municipality may adopt an
ordinance extending its corporate limits by annexing thereto any contiguous tract or
tracts of land not embraced within the corporate limits of some other municipality. Prior
to adoption of such an ordinance, the governing body shall hold a public hearing
pursuant to the notice herein required, and that a statement by or on behalf of the
municipal governing body of the purpose or reasons for the proposed extension of the
corporate limits be made at the beginning of the public hearing, and that reasonable
opportunity to be heard be given any who attend such public hearing with regard
thereto. The public notice shall (i) fix the date, hour, and place of the public hearing,
(ii) describe clearly the boundaries of the area under consideration, and (iii) shall be
published at least 30 days prior to the hearing. Then from and after the date of the

1 adoption of such ordinance, unless an election is required as herein provided, the
2 territory and its citizens and property shall be subject to all debts, laws, ordinances, and
3 regulations in force in said city or town and shall be entitled to the same privileges and
4 benefits as other parts of said city or town.

5 **"§ 160A-28.2. Referendum on question of extension.**

6 If, at the meeting held for such purpose, a petition is filed and signed by at least five
7 percent (5%) of the qualified voters resident in the area proposed to be annexed
8 requesting a referendum on the question, the governing body shall, before passing said
9 ordinance annexing the territory, submit the question as to whether said territory shall
10 be annexed to a vote of the qualified voters of the area proposed to be annexed. The
11 governing body may also, without receipt of a petition, call for a referendum on the
12 question.

13 **"§ 160A-28.3. Extent of participation in referendum; call of election.**

14 Upon receipt of a sufficient petition, or if the board on its own motion determines
15 that a referendum shall be held, it shall order the board of elections which conducts
16 elections for that municipality to call an election to determine whether or not the
17 proposed territory shall be annexed to the city or town. Within 90 days after receiving
18 such order from the governing body, the county board of elections shall proceed to hold
19 an election on the question.

20 **"§ 160A-28.4. Action required by county board of elections; publication of**
21 **resolution as to election; costs of election.**

22 Such election shall be called by a resolution or resolutions of said county board of
23 elections which shall:

- 24 (1) Describe the territory proposed to be annexed to the said city or town
25 as set out in the order of the said local governing body;
- 26 (2) Provide that the matter of annexation of such territory shall be
27 submitted to the vote of the qualified voters of the territory proposed to
28 be annexed; and
- 29 (3) Provide for registration of voters in the territory proposed to be
30 annexed for said election in accordance with G.S. 163-288.2.

31 Said resolution shall be published in one or more newspapers of the said county once a
32 week for 30 days prior to the election. All costs of holding such election shall be paid by
33 the city or town. Except as herein provided, said election shall be held under the same
34 statutes, rules, and regulations as are applicable to elections in the municipality whose
35 corporate limits are being enlarged.

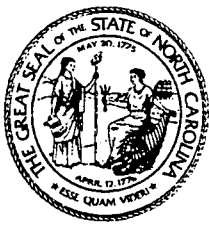
36 **"§ 160A-28.5. Ballots; effect of majority vote for extension.**

37 At such election those qualified voters who present themselves to the election
38 officials at the respective voting places shall be furnished with ballots upon which shall
39 be written or printed the words 'For Extension' and 'Against Extension'. If at such
40 election a majority of the votes cast from the area proposed for annexation shall be 'For
41 Extension', then from and after the date of the declaration of the result of such election,
42 or such later date as may be ordered by the governing board of the municipality, the
43 territory and its citizens and property shall be subject to all the debts, laws, ordinances,
44 and regulations in force in said city or town and shall be entitled to the same privileges

1 and benefits as other parts of said city or town. The newly elected territory shall be
2 subject to city taxes as provided by this Article."

3 SECTION 3. Section 2 of this act applies to the Town of Kernersville only.

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



HB 1695: Kernersville Annexation Referenda

BILL ANALYSIS

Committee: House Ways and Means
Date: June 9, 2004
Version: First Edition

Introduced by: Rep. Decker
Summary by: Steven Rose
Committee Counsel

SUMMARY: *HB 1695 changes the method of municipal annexation for Kernersville. The city council's ability to annex territory meeting certain standards after notice and hearing is eliminated. Under this bill a petition of five percent of property owners in the territory proposed for annexation will mean that a referendum is required.*

CURRENT LAW: Under current law a city council may annex territory meeting certain criteria after notice and a public hearing. This is the so-called "involuntary" method of annexation in force since 1959. In general, territory may be annexed if:

1. It is adjacent or contiguous to the city.
2. 1/8 of the external boundary coincides with the city boundary.
3. It is not part of another city.
4. It is developed for urban purposes.

Under Parts 1 and 4 of Article 4A cities may also annex territory by voluntary annexation. Those procedures are unchanged by this bill.

BILL ANALYSIS: **Section 1** provides that Parts 2 and 3 of Article 4A of Chapter 160A of the General Statutes do not apply to Kernersville. These are the involuntary annexation procedures for cities of less than 5,000 population and 5,000 or more population, respectively.

Section 2 provides the new procedure for annexation, regardless of population. Notice of the proposed annexation, including a description of the territory to be annexed, as well as the date and place of the public hearing is required. The city council may act to complete the annexation at the public hearing unless a petition is filed signed by at least 5% of the qualified voters in the area proposed to be annexed requesting a referendum on the question. The council on its own may opt for a referendum. In either case, if a majority of the voters in the area proposed for annexation vote in favor of it, it becomes effective.

Section 3 makes Section 2 of the bill applicable to the Town of Kernersville only.

Section 4 makes the bill effective when it becomes law.

BACKGROUND: Prior to 1959, annexation could require a vote of those subject to the annexation ordinance upon petition of 15% of the qualified voters in the area proposed for annexation. The current procedure was adopted as one of the recommendations of a Municipal Government Study Commission appointed to study issues related to orderly growth in North Carolina.

Note: If this bill receives a favorable report it is serially referred to the Finance Committee.

Information Sheet for HB 1695 Kernersville Annexation Referenda

House Ways and Means Committee

June 9, 2004

1. Prior to 1960 NC Annexation Law allowed people the right to vote. Today North Carolina is one of only a hand full of states that do not give people this right.
2. A right our Founding Fathers held most dear.
 - a. "Governments are instituted among men," said Jefferson, "by the consent of the governed." Thomas Jefferson Declaration of Independence
3. Local Governments impact peoples' daily lives more than any other government, because it is the one closest to them.
4. Annexation amounts to taxation without representation, a most undemocratic action.
5. The ideas that cities cannot survive without annexation cannot be proven. Counties can neither grow nor annex and they survive splendidly.
6. Annexation agreements already exist between this city and all surrounding cities, and therefore puts this city is at no disadvantage.
7. This bill continues to permit voluntary annexation, the tool used most frequently by developers of new subdivisions to obtain water & sewer service.
8. This bill also would give the city the right to forcibly annex if less than 5% of the people in the affected area do not petition for a referenda vote.
9. Cities should convince property owners that annexation would be to their benefit, thus making annexation a more desirable option.
10. Annexing just to raise revenue masks poor business practices by cities.
11. Both senators and all representatives who represent Kernersville agreed to this bill's introduction.
12. The Mayor of Kernersville supports the right of the people to have a vote on annexation.
 - a. "I still support the right for these people being annexed to have an opportunity to vote." Letter June 4, 2004
13. The Town Council had ample opportunity to pass a resolution in opposition, but chose not to do so. They met June 3, 2004 and sent a resolution on storm water runoff, but took no official action on this bill.

VISITOR REGISTRATION SHEET

WAYS & MEANS

6/09/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

MIKE WILSON	TOWN OF APEX
Bryan Gossage	Town of Apex
Andy Roman	NCLM
DEBBIE WEST	CITY OF DUNN
RONNIE ARDAY	" " "
JOSY TART	" " "
MIKE USKIEWICZ	" " "
Brian Bowman	City of Wilson
Alice Freeman	City of Wilson
Becky Davis	City of Wilson
Rachel O'Shea	PFFPNC

VISITOR REGISTRATION SHEET

WAYS & MEANS

6/09/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Steve Biggs	Town of Edenton NCLM
Willis M. Pruitt	Town of Edenton NCLM
BEN WARREN	Town of Elizabethtown NCLM
DAVID SMITHERMAN	TOWN OF ELIZABETHTOWN NCLM
John Cyrus	N C Grange
P. Alex Faffron	Town of Carrboro, NCLM
Gary Robertson	AP
Dana Bayley	NCLM
Margot Si Christensen	N.C. League of Municipalities
Kim Hibbard	NCLM
Bruce Radford	Apex
Anita Watkins	NCLM

VISITOR REGISTRATION SHEET

WAYS & MEANS

6/09/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

ELLIS HANKIN	NCLM
Stewart Rumbey	NCLM
Keith Holliday	City of Greensboro
Ben Mills	no metro Coalition
CATHY HEATH	AMERICAN DREAM COALITION STOPNCLANNEXATION.COM
John Holtan	intern
Steve Harrell	City of Washington / NCLM
Carol Williams	City of Washington
Rita Thompson	City of Washington
ALLEN L. TROTT	Town of Highland
Rikki Blanks	House Intern

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2003-2004 SESSION**

You are hereby notified that the Committee on **WAYS AND MEANS** will meet as follows:

DAY & DATE: **Wednesday, July 7, 2004**

TIME: **12:00 NOON**

LOCATION: **1228 LB**

No bills will be discussed. This meeting is to comply with **Rule 36 (a)**.

Respectfully,

Representatives Decker & Pate
Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at **3:00 p.m** on **Thursday, July 1, 2004**.

____ Principal Clerk
____ Reading Clerk - House Chamber

Edna Pearce (Committee Assistant)

HOUSE WAYS AND MEANS COMMITTEE

A G E N D A

July 7, 2004

Room 1228

12:00 Noon

Representative Michael Decker

Representative Louis M. Pate, Jr.

CHAIRS

OPENING REMARKS

Representative Michael Decker, Chair

THIS MEETING IS TO COMPLY WITH HOUSE RULE 36 (a) WHICH STATES THAT ALL HOUSE BILLS AND RESOLUTIONS IN THE COMMITTEE SHALL BE REPORTED FROM THE COMMITTEE TO WHICH IT IS REFERRED.

ADJOURNMENT

**MINUTES
HOUSE COMMITTEE
ON
WAYS AND MEANS**

July 7, 2004

The House Committee on Ways and Means met at 12:00 noon on Wednesday, July 7, 2004 in Room 1228 of the Legislative Building, with Representative Decker presiding. The following members were present: Co-chairs Decker and Pate, Representatives Gillespie, Jeffus, Jones, Mitchell, Wood, and Fisher. Counsel for the Committee, Mr. Steve Rose was also present.

Chairman Decker opened the meeting by welcoming the Pages: Kasey Hudson of Johnston County sponsored by Rep. David Lewis; John Tart III of Wayne County sponsored by Rep. Paul Stam; and Will Batchelor of Mecklenburg County sponsored by Rep. James Black. He also recognized the Sergeant-At-Arms members: Paul Rucho and Leslie Oakley and thanked them for being so diligent in their duties.

Chairman Decker stated the purpose of the meeting was to be in compliance with House Rule 36 (a) which states that all House Bills and Resolutions in the Committee shall be reported from the Committee to which it is referred. He then recognized Rep. Pate who moved that all House Bills that are currently in the Committee be postponed indefinitely. Rep. Decker called for a vote on Rep. Pate's motion. The motion carried.


Co-Chairs Decker and Pate thanked the members of the Committee for their attendance and Legislative Assistant Secretaries for their hard work on the Committee.


Members of the Committee were recognized to extend their thanks to the Chairs and Committee Counsel as well.

Chairman Decker adjourned the meeting.

Respectfully submitted,


Michael Decker
Chair


Louis M. Pate, Jr.
Chair


Linda Hines
Committee Assistant

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Decker and Pate (Chair) for the Committee on WAYS AND MEANS.

The following bills are reported ☒ With an indefinite postponement report.

HB 46	NC GOVERNMENT COMPETITION COMMISSION
HB 233	MEDICAID PRIOR APPROVAL/PRESC. DRUGS
HB 238	REGULATE BODY PIERCING
HB 410	REDUCE MEDICAID COUNTY SHARE/TIER COUNTIES
HB 481	MINIMUM HOUSING CODES
HB 628	MINIMUM HOUSING CODES
HB 833	CHARITABLE SOLICITATIONS/REQUIRE DISCLOSURE
HB 1202	UNC-TV/ LMT INTERNAL SOLICITATION PROG.
HB 1693	UNEMPL. INS. EXCEPT. FOR CERTAIN DOMESTIC SERV.
HB 1695	KERNERSVILLE ANNEXATION REFERENDA
HB 1785	ENABLING RESOLUTION/NOTARY FEE INCREASE

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 46 A BILL TO BE ENTITLED AN ACT ESTABLISHING THE NORTH CAROLINA GOVERNMENT COMPETITION COMMISSION TO PROVIDE FOR BETTER GOVERNMENT IN NORTH CAROLINA THROUGH A COMPREHENSIVE STATE GOVERNMENT COMPETITION INITIATIVE.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 233 A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPOSE UNDER THE MEDICAID PROGRAM PRIOR AUTHORIZATION RESTRICTIONS ON ALL BRAND-NAME PRESCRIPTION DRUGS FOR WHICH THERE IS A GENERIC EQUIVALENT THAT IS LESS COSTLY THAN THE BRAND-NAME DRUG.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

☐ Committee Substitute for

H.B. 238 A BILL TO BE ENTITLED AN ACT TO REGULATE BODY PIERCING.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 410 A BILL TO BE ENTITLED AN ACT TO REDUCE THE COUNTY SHARE OF
NONFEDERAL PAYMENTS FOR THE MEDICAL ASSISTANCE PROGRAM FOR
CERTAIN COUNTIES.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS.**

☐ Committee Substitute for

H.B. 481 A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN MUNICIPALITIES TO REQUIRE OWNERS TO REPAIR RESIDENTIAL PROPERTY DETERMINED UNFIT FOR HUMAN HABITATION UNDER THE MUNICIPALITIES' MINIMUM HOUSING CODES INSTEAD OF VACATING AND CLOSING THE PROPERTY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 628 A BILL TO BE ENTITLED AN ACT AUTHORIZING CERTAIN MUNICIPALITIES TO REQUIRE OWNERS TO REPAIR RESIDENTIAL PROPERTY DETERMINED UNFIT FOR HUMAN HABITATION UNDER THE MUNICIPALITIES' MINIMUM HOUSING CODES INSTEAD OF VACATING AND CLOSING THE PROPERTY.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 833 A BILL TO BE ENTITLED AN ACT TO REQUIRE SOLICITORS OF CHARITABLE SOLICITATIONS THAT REQUEST CONTRIBUTIONS BY TELEPHONE TO, WHEN REQUESTED BY THE PERSON BEING SOLICITED ON THE TELEPHONE, CLEARLY DISCLOSE TO THAT PERSON AT THE TIME OF THE REQUEST THE FIXED PERCENTAGE OF THE GROSS REVENUES THAT THE CHARITABLE ORGANIZATION OR SPONSOR WILL RECEIVE AS A BENEFIT FROM THE SOLICITATION CAMPAIGN AND SEND THAT PERSON A COPY OF THE SOLICITOR'S MOST RECENT FINANCIAL REPORT, TO REQUIRE THIS PERCENTAGE TO BE INCLUDED IN THE SOLICITOR'S FINANCIAL REPORT, AND TO PROHIBIT A PERSON FROM MISREPRESENTING THIS REQUESTED INFORMATION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 1202 A BILL TO BE ENTITLED AN ACT TO LIMIT PROGRAMMING BY THE
UNIVERSITY OF NORTH CAROLINA PUBLIC TELEVISION FOR INTERNAL FUND-
RAISING FOR PUBLIC TELEVISION.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.J.R. 1693 A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER "A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO EXCLUDE CERTAIN PRIVATE IN-HOME NURSING CARE."

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker & Pate** (Chairs) for the Committee on **WAYS & MEANS**.

☐ Committee Substitute for

H.B. 1695 A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959
ANNEXATION LAW BY REQUIRING REFERENDA ON ANNEXATIONS IN THE
TOWN OF KERNERSVILLE IF REQUESTED BY PETITION OR BY THE GOVERNING
BOARD OF THE TOWN.

☐ With a favorable report.

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

☐ With a favorable report, as amended.

☐ With a 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)

03/19/03

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representatives **Decker and Pate** (Chairs) for the Committee on **WAYS AND MEANS**.

- ☐ Committee Substitute for
H.J.R. 1785 A JOINT RESOLUTION AUTHORIZING THE 2003 GENERAL
ASSEMBLY, REGULAR SESSION 2004, TO CONSIDER A BILL TO BE ENTITLED AN
ACT TO INCREASE THE FEE THAT MAY BE COLLECTED BY NOTARIES.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a 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)

03/19/03

North Carolina General Assembly
Pending House Committee on
Ways and Means

Date: 07/13/2004
Time: 10:15
Page: 001 of 001

2003-2004 Biennium

Leg. Day: H-142/S-144

Bill	Short Title		Date	Latest Action
H 411=	MEDICAID COUNTY SHARE/PHASE OUT TIER CNTYS.	H	03-12-2003	Ref to the Com on Ways and Means and, if favorable, to the Com on Appropriations
H 545=	PROPERTY TAX CORRECTION.	H	03-18-2003	Ref To Com On Ways and Means
H 599	MUNICIPAL FIRE DEPARTMENTS.	H	03-24-2003	Ref To Com On Ways and Means
H 856=	ADOPT INTERNATIONAL BUILDING CODE.	H	04-07-2003	Ref To Com On Ways and Means
H 857=	STREAMLINE BUILDING CODE.	H	04-07-2003	Ref To Com On Ways and Means
H 871=	SOLAR ENERGY SYSTEMS.	H	04-07-2003	Ref To Com On Ways and Means
H1036	NO CHARITABLE FNDN. DONATIONS TO FOR-PROFITS.	H	04-10-2003	Ref To Com On Ways and Means
H1124	LAW ENFORCEMENT OFFICERS' SECURITY ACT.	H	04-10-2003	Ref To Com On Ways and Means
H1138	PAWN BROKERS ANTITHEFT PROGRAM.	H	04-10-2003	Ref To Com On Ways and Means
S 353=	CHARITABLE SOLICITATIONS/REQUIRE DISCLOSURE.	*H	04-03-2003	Ref To Com On Ways and Means

'\$' indicates the bill is an appropriations bill.

A bold line indicates the bill is an appropriations bill.

* indicates that the text of the original bill was changed by some action.

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

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: Representative(s) Howard J. Hunter, Jr.
Bill Sponsor(s)

FROM: Representative(s) Pate and Decker
Committee Chair(s)

SUBJECT: House Bill Pending in the Committee on Ways and Means

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 411, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

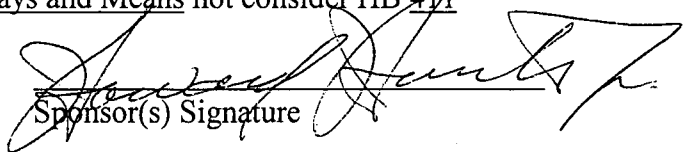
MEMORANDUM

TO: Representative(s) Pate and Decker
Committee Chair(s)

FROM: Representative(s) Howard J. Hunter, Jr.
Bill Sponsor(s)

SUBJECT: HB 411, Medicaid County Share/Phase Out Tier Cntys. (Short Title)

I request that the Committee on Ways and Means not consider HB 411


Sponsor(s) Signature

7-1-04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: **Representative(s) R. Phillip Haire; Ray Rapp**
Bill Sponsor(s)

FROM: **Representative(s) Pate and Decker**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Ways and Means**

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 545, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Pate and Decker**
Committee Chair(s)

FROM: **Representative(s) R. Phillip Haire; Ray Rapp**
Bill Sponsor(s)

SUBJECT: **HB 545, Property Tax Correction (Short Title)**

I request that the Committee on Ways and Means not consider HB 545


Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: Representative(s) R. Phillip Haire; Ray Rapp
Bill Sponsor(s)

FROM: Representative(s) Pate and Decker
Committee Chair(s)

SUBJECT: House Bill Pending in the Committee on Ways and Means

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 545, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: Representative(s) Pate and Decker
Committee Chair(s)

FROM: Representative(s) R. Phillip Haire; Ray Rapp
Bill Sponsor(s)

SUBJECT: HB 545, Property Tax Correction (Short Title)

I request that the Committee on Ways and Means not consider HB 545


Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: **Representative(s) John D. Hall**
Bill Sponsor(s)

FROM: **Representative(s) Pate and Decker**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Ways and Means**

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 599, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

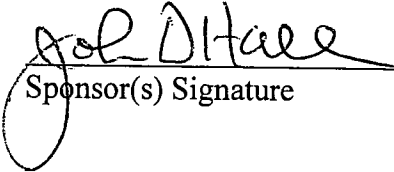
MEMORANDUM

TO: **Representative(s) Pate and Decker**
Committee Chair(s)

FROM: **Representative(s) John D. Hall**
Bill Sponsor(s)

SUBJECT: **HB 599, Municipal Fire Departments (Short Title)**

I request that the Committee on Ways and Means not consider HB 599


Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: **Representative(s) Constance K. Wilson**
Bill Sponsor(s)

FROM: **Representative(s) Pate and Decker**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Ways and Means**

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 856, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).


MEMORANDUM

TO: **Representative(s) Pate and Decker**
Committee Chair(s)

FROM: **Representative(s) Constance K. Wilson**
Bill Sponsor(s)

SUBJECT: **HB 856, Adopt International Building Code (Short Title)**

I request that the Committee on Ways and Means not consider HB 856



Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: **Representative(s) Constance K. Wilson**
Bill Sponsor(s)

FROM: **Representative(s) Pate and Decker**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Ways and Means**

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 857, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: **Representative(s) Pate and Decker**
Committee Chair(s)

FROM: **Representative(s) Constance K. Wilson**
Bill Sponsor(s)

SUBJECT: **HB 857, Streamline Building Code (Short Title)**

I request that the Committee on Ways and Means not consider HB 857



Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: Representative(s) Verla C. Insko
Bill Sponsor(s)

FROM: Representative(s) Pate and Decker
Committee Chair(s)

SUBJECT: House Bill Pending in the Committee on Ways and Means

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 871, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: Representative(s) Pate and Decker
Committee Chair(s)

FROM: Representative(s) Verla C. Insko
Bill Sponsor(s)

SUBJECT: HB 871, Solar Energy Systems (Short Title)

I request that the Committee on Ways and Means not consider HB 871


Sponsor(s) Signature

7/1/04
Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: **Representative(s) Paul Luebke**
Bill Sponsor(s)

FROM: **Representative(s) Pate and Decker**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Ways and Means**

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 1036, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

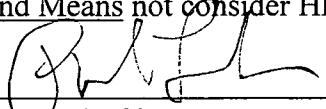
MEMORANDUM

TO: **Representative(s) Pate and Decker**
Committee Chair(s)

FROM: **Representative(s) Paul Luebke**
Bill Sponsor(s)

SUBJECT: **HB 1036, No Charitable Foundation Donations to For-Profits(Short Title)**

I request that the Committee on Ways and Means not consider HB 1036



Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: Representative(s) Carolyn H. Justice; Keith P. Williams; G. Wayne Goodwin
Bill Sponsor(s)

FROM: Representative(s) Pate and Decker
Committee Chair(s)

SUBJECT: House Bill Pending in the Committee on Ways and Means

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 1124, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

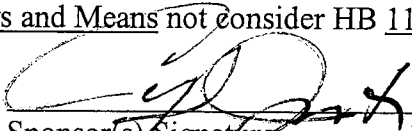
MEMORANDUM

TO: Representative(s) Pate and Decker
Committee Chair(s)

FROM: Representative(s) Carolyn H. Justice; Keith P. Williams; G. Wayne Goodwin
Bill Sponsor(s)

SUBJECT: HB 1124, Law enforcement Officers' Security Act (Short Title)

I request that the Committee on Ways and Means not consider HB 1124


Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: Representative(s) Carolyn H. Justice; Keith P. Williams; G. Wayne Goodwin
Bill Sponsor(s)

FROM: Representative(s) Pate and Decker
Committee Chair(s)

SUBJECT: House Bill Pending in the Committee on Ways and Means

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 1124, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

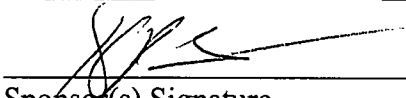
MEMORANDUM

TO: Representative(s) Pate and Decker
Committee Chair(s)

FROM: Representative(s) Carolyn H. Justice; Keith P. Williams; G. Wayne Goodwin
Bill Sponsor(s)

SUBJECT: HB 1124, Law enforcement Officers' Security Act (Short Title)

I request that the Committee on Ways and Means not consider HB 1124



Sponsor(s) Signature

7/1/04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: Representative(s) Carolyn H. Justice; Keith P. Williams; G. Wayne Goodwin
Bill Sponsor(s)

FROM: Representative(s) Pate and Decker
Committee Chair(s)

SUBJECT: House Bill Pending in the Committee on Ways and Means

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 1124, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

MEMORANDUM

TO: Representative(s) Pate and Decker
Committee Chair(s)

FROM: Representative(s) Carolyn H. Justice; Keith P. Williams; G. Wayne
Goodwin
Bill Sponsor(s)

SUBJECT: HB 1124, Law enforcement Officers' Security Act (Short Title)

I request that the Committee on Ways and Means not consider HB 1124


Sponsor(s) Signature

7-1-04 Date

(Rule 36(a) Bill Sponsor Form)

MEMORANDUM

DATE: June 30, 2004

TO: **Representative(s) J. Sam Ellis**
Bill Sponsor(s)

FROM: **Representative(s) Pate and Decker**
Committee Chair(s)

SUBJECT: **House Bill Pending in the Committee on Ways and Means**

Pursuant to House Rule 36(a) 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 primary sponsor(s) requests in writing to the Chair(s) of the standing committee or permanent subcommittee that the House bill not be considered.**

If you would like to request that the Committee on Ways and Means not consider HB 1138, a form is included at the bottom of this page for that purpose. Please sign, date and return the form to Room 2301. This form may not be returned by e-mail because it requires the original signature of the bill sponsor(s).

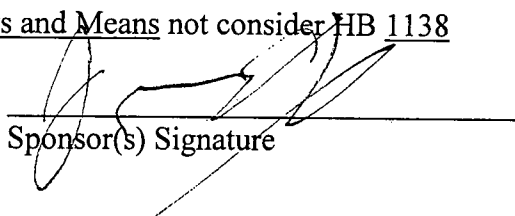
MEMORANDUM

TO: **Representative(s) Pate and Decker**
Committee Chair(s)

FROM: **Representative(s) J. Sam Ellis**
Bill Sponsor(s)

SUBJECT: **HB 1138, Pawn Brokers Antitheft Program (Short Title)**

I request that the Committee on Ways and Means not consider HB 1138



Sponsor(s) Signature

7/6/04 Date

VISITOR REGISTRATION SHEET

WAYS & MEANS

7/07/04

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Bill Hester	Allied Domecq
Patrice Raulen	NEACC
ELLIS HANKINS	WCLM
John Bowditch	AstraZeneca
Steve Mitchell	Novartis
Brian Shank	AstraZeneca
Ken Leonard	WCSR
Lor Ann Harris	LATHA