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SENATE

OF THE

2001 GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

FIRST SESSION

2001

VOLUME 1

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OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
2001 SESSION

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42	ROBERT C. CARPENTER (R)	Franklin

SENATE JOURNAL

2001 SESSION

FIRST DAY

Senate Chamber
Wednesday, January 24, 2001

In accordance with law, as set forth in the Constitution of the State of North Carolina and G.S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day at the hour of 12:00 Noon in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Beverly E. Perdue, Lieutenant Governor, calls the Senate to order.

The President extends privileges of the floor to the spouses of the Senators-elect and to the individuals invited by the Senators-elect and requests that they be seated beside their spouse or host.

The President recognizes the Sergeant-at-Arms of the 1999 Session of the General Assembly who announces the presence of the members of the Judiciary and the Secretary of State at the doors of the Senate and awaits her direction. The President directs the Sergeant-at-Arms to open the doors of the Senate and to escort the members of the Judiciary and the Secretary of State to their seats.

The Chair directs the Sergeant-at-Arms of the 1999 Session of the General Assembly to open the doors of the Senate and to escort the members of Winston-Salem State University Choir to the Well of the Senate.

The Chair introduces the Reverend Mike Morris, who is serving as Senate Chaplain for the 2001 Session of the General Assembly, who offers prayer as follows:

"Almighty God, the first verse from the 12th Chapter of Hebrews in Holy Scripture accurately describes the opening of a new legislative session. The verse begins, 'Therefore, since we are all surrounded by so great a cloud of witnesses...'

"The Lieutenant Governor, the Senators, and Senate Staff are all here, O God, and yes, oh my, they are surrounded by a great cloud of witnesses who celebrate this day with them. Many of these witnesses are friends who worked long days and offered encouragement during the campaign that brought the Senators to this place, but most of the witnesses are family members -- parents, spouses, siblings, children, grandchildren. We say in the South as a form of compliment that someone is the spittin' image of another family member -- what we mean is that they are the spirit and image of their family. We thank You, O God, for the witness of family and friends here today and are reminded that we are created first in your image.

"Though celebrative, today is no coronation, it is the much higher call to servant leadership. These Senators must hear and speak the language of the rich and the poor, the educated and the illiterate, the powerful and the disenfranchised. There may be no more difficult call to servanthood.

"Therefore, we end today's prayer with the concluding words of Hebrews 12:1, 'Let us lay aside every weight and sin that clings so closely and let us run with perseverance the race that is set before us...

"And when the prayer was concluded all who were present said, Amen. Godspeed."

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 1999 Session to open the doors of the Chamber for the presentation of the Colors by the Enka High School Air Force Junior ROTC Cadets. (*See Appendix.*)

PLEDGE OF ALLEGIANCE

Led by the Lieutenant Governor, the Senators-elect, distinguished guests, and all of those present remain standing and pledge allegiance to the flag of the United States of America.

NATIONAL ANTHEM

The President recognizes the members of the Winston-Salem State University Choir who sing the National Anthem. (*See Appendix.*)

CALL OF THE ROLL

The President directs the Reading Clerk of the 1999 Session to call the roll by Senatorial Districts, and the following Senators-elect appear with the proper certificate of election received from the Secretary of State, The Honorable Elaine Marshall:

THE 2001 NORTH CAROLINA SENATE

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 28th day of November, A.D., 2000, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 7th, 2000, and certified to me the persons duly elected as members of the Senate from the various Senate Districts comprising of more than one county, and all others have been certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the Senate from districts composed of one county only, for the General Assembly of 2001, to wit:

DISTRICT	NAME
First	**Marc Basnight**
Second	**Frank W. Ballance, Jr.**
Third	**Scott Thomas**
Fourth	**Patrick Ballantine**
Fifth	**Charles “Charlie” W. Albertson**
Sixth	**R. L. “Bob” Martin**
Seventh	**Luther Henry Jordan, Jr.**
Eighth	**John Kerr**
Ninth	**Edward N. Warren**
Tenth	**A. B. Swindell**
Eleventh	**Allen H. Wellons**
Twelfth	**Philip E. "Phil" Berger**
Twelfth	**Virginia Foxx**

Thirteenth	**Wib Gulley**
Thirteenth	**Jeanne H. Lucas**
Fourteenth	**R. Bradley "Brad" Miller**
Fourteenth	**Eric Miller Reeves**
Fifteenth	**Oscar N. Harris**
Sixteenth	**Ellie Kinnaird**
Sixteenth	**Howard N. Lee**
Seventeenth	**Aaron Plyler**
Seventeenth	**William R. "Bill" Purcell**
Eighteenth	**R. C. Soles, Jr.**
Nineteenth	**Robert G. "Bob" Shaw**
Twentieth	**Linda Garrou**
Twentieth	**Hamilton C. "Ham" Horton, Jr.**
Twenty-first	**Hugh Webster**
Twenty-second	**Fletcher L. Hartsell, Jr.**
Twenty-third	**Cal Cunningham**
Twenty-fourth	**Tony Rand**
Twenty-fifth	**David W. Hoyle**
Twenty-sixth	**Austin Allran**
Twenty-seventh	**John Garwood**
Twenty-seventh	**Kenneth R. Moore**
Twenty-eighth	**Charles Carter**
Twenty-eighth	**Steve Metcalf**
Twenty-ninth	**Dan Robinson**
Thirtieth	**David F. Weinstein**
Thirty-first	**William N. "Bill" Martin**
Thirty-second	**Kay R. Hagan**
Thirty-third	**Charlie Dannelly**
Thirty-fourth	**T. L. "Fountain" Odom**
Thirty-fifth	**Robert "Bob" Rucho**
Thirty-sixth	**John H. Carrington**
Thirty-seventh	**Walter H. Dalton**
Thirty-eighth	**Stan Bingham**
Thirty-ninth	**James "Jim" Forrester**
Fortieth	**Daniel G. Clodfelter**
Forty-first	**Larry Shaw**
Forty-second	**Robert C. "Bob" Carpenter**

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

DONE IN OFFICE at Raleigh, this 22nd day of January, 2001.

S/Elaine F. Marshall
(SEAL) *Secretary of State*

The President of the Senate recognizes The Honorable Sarah E. Parker, Associate Justice of the Supreme Court of North Carolina, who administers the following Oath of Office, to which those members present respond and subscribe:

"I do solemnly swear or affirm that I will support the Constitution and laws of the United States; and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and

authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 2001 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God."

With fifty Senators answering the call of the roll, the President declares a quorum present and qualified.

The President extends courtesies to members of the Judiciary and the Secretary of State: The Honorable Sarah E. Parker, The Honorable James Carlton Cole, The Honorable Robin Hudson, The Honorable Willis P. Wichard (Ret.), The Honorable James A. Wynn, Jr., and The Honorable Elaine Marshall. Courtesies are also extended to former U.S. Senator Robert Morgan, former Congressman Tim Valantine and his wife, Barbara; Congresswoman Eva Clayton; former Senator Ralph Hunt of Durham County; former Senator Wanda Hunt of Moore County; former Senator Richard Conder of Richmond County; former Senator C. R. Edwards of Cumberland County; former Senator Bill Ashburn; former Senator Joe Thomas of Craven County; and Signer Ben King. Courtesies are also extended to Bob Eaves, the husband of Lieutenant Governor Perdue; and to Garrett and Emmett Perdue, the sons of Lieutenant Governor Perdue.

ORGANIZATION OF THE SENATE

The President announces that the Senate stands ready to proceed with the election of officers, and declares the floor open for nominations for President *Pro Tempore* of the Senate, pursuant to Article II, Section 14(1) of *North Carolina's Constitution.*

The President recognizes Senator Martin of Pitt who offers the following nomination and remarks:

"Thank you, Madame President. Members of the Senate, I rise to nominate our friend, The Honorable Marc Basnight, for the Office of the Senate President *Pro Tempore* for the General Assembly for the year 2001-2002. This will be another history-making session for Marc in that he has served longer already than any person in the state of North Carolina as President *Pro Tempore* of the Senate and this will extend his lease for ten years. It's a history-making occasion, and we appreciate it. It is no accident that Marc has been elected this long with this Body because Marc has earned it. He's shown to us, he's proved to us that he is capable of leadership. He came through our ranks and he chaired, I think, every one of the important committees that we have, especially he gained our attention as Chairman of the Appropriations Committee, and he has worked his way through the ranks and has worked hard at it. Marc will give any amount of time, take any efforts, go anywhere he needs to go to promote this office and this Body of Senators, and he knows the system. He has the ability to see both sides of any issue that might come up and he says what he thinks without tiptoeing around an important issue, and if you like to get to the bottom line you'll have no trouble with Marc -- understanding him. He'll have you to the bottom line in a few minutes. He seeks input from others when he faces important decisions that affect this Nation and this State. He seeks input from others and he listens to that input and he's governed accordingly. On a personal basis, as he has served us, Senator Basnight listens to our concerns and he treats us with careful consideration and does all he can to satisfy us and please us, and that is a reason he has been so successful in his leadership. We're going to need some real leadership in this

important session that is before us. We're going to have problems we've never had before but the problems are going to seem minor as far as what we're going to have to go through with and we need that leadership so, Madame President, it's an honor and a privilege and my pleasure to nominate Senator Marc Basnight of Dare for the Office of President *Pro Tempore* of the North Carolina Senate for the 2001-2002 Session of the General Assembly. And we urge your support in a unanimous decision."

The President recognizes Senator Martin of Guilford who offers the following nomination and remarks:

"Thank you, Madame President. Fellow members of the Senate, it is my pleasure to rise and follow Senator Bob Martin for the purpose of seconding the nomination of Senator Marc Basnight of Dare County to lead us again as President *Pro Tempore* of the Senate for the 2001-2002 Session of the General Assembly. Senator Bob Martin has already spoken to you about all of those magnificent qualities possessed by Senator Basnight, so there will be no need to reiterate those except to second those comments. I would say that this is, in fact, going to be a very challenging session. It's going to be a very important session. It's going to be one that calls for a tremendous amount of diplomacy, leadership, tenacity, the ability to get to the bottom of the issues and, as I remember hearing someone say at one time from the gallery, talking about the members of the General Assembly, House and Senate although this really applies more to the House, it's difficult to herd a bunch of cats, and so the same challenge is here. But Senator Basnight has done a great job in doing that, in seeing the ideas together and putting us along the path of leadership to the extent that the North Carolina Senate really, based upon all I've been able to see, is one of the most highly acclaimed political bodies in the Nation and one of the most respected. Much of that is due to the leadership that has been brought to us by Senator Basnight and with that, Madame President, I again would like to second the nomination and hope that everyone will join in voting unanimously for Senator Basnight as our next President *Pro Tempore*."

The motion offered by Senator Martin of Guilford that the nominations be closed and that Senator Basnight be elected President *Pro Tempore* by acclamation prevails.

The Chair declares Senator Basnight elected President *Pro Tempore* and appoints Senator Garrou, Senator Hagan, Senator Hoyle, Senator Lucas, and Senator Soles to escort the President *Pro Tempore*-elect to the Well of the Senate. Senator Hoyle presents Senator Basnight to the President. The Sergeant-at-Arms escorts Senator Basnight's daughter, Caroline Basnight Shannon; his brother, Saint Basnight, Jr.; and his sister, Della Basnight, to the Well of the Senate to join him as he receives the Oath of Office. The Honorable James Carlton Cole, District Court Judge, Judicial District 1, administers the prescribed Oath of Office.

The President recognizes Senator Marc Basnight, President *Pro Tempore*, who addresses the membership from the Well of the Senate and offers the following remarks:

"Congratulations, Jim Black, and congratulations to all the members of the Senate on your election today. Thank you for the confidence you have placed in me as your President *Pro Tempore*. Thank you to my good friend, Bob Martin, who I sat with on the back row for eight plus years, who gave me wisdom, vision, and a dream or two of what life is better for others when you do, simply, the right things. Thank you, Bill Martin, again, for the pleasure of your company and the wisdom of what you give to every person in this State. You're a grand, great man and a good friend. Thank you, Judge Cole, for all

that you do for the children of this State through your position and for the integrity of what you are and the partnership that you and I carry together. Thanks to my good friend, David Hoyle, and the escort committee. You're very special and you mean a great deal to myself as well as all of the Senate. Welcome to my good friend Beverly Perdue, our Lieutenant Governor.

"I have beside me a magazine story from 'Our State' -- it was called 'The State' at the time -- that featured an interview that was done by Victor Meekins. Victor Meekins lived on the Outer Banks of North Carolina; he started the 'Coastal Times', our local newspaper, that is still there today and run by his son. But Victor interviewed a Cyrus Grey in 1934, and Cyrus was explaining how things were not tough in Salvo on the Outer Banks in Dare County in 1934. Now if you can envision how tough it truly was in 1934 on the Outer Banks on a place that you've never heard of, you can realize that what Cyrus is saying is that it must have been god awful bad fifty years before. As his article says in 1980, it was 'really bad'. So he was telling the youth of the day that things aren't so bad. Let me tell you what it truly was like in North Carolina on the Outer Banks at that time, and I guess similar stories, Senator Metcalf and Carter and Robinson and Carpenter, could be told about the mountains, that there wasn't much to be given except what the land would give. The story went on to tell about how they had no kerosene, no matches, and they made life with what nature gave. What the sea would produce is what they ate. They salted their fish. They lived by the weather of the predictions of what they saw forthcoming of storms of major possibilities, but they lived there and eked out a life. And he said: 'Today we have so much in 1934.' As you read that article he talks about having candles and actually having kerosene, and they even had ice. So he told the generation that was upcoming that: 'It is not a bad life in North Carolina. Just remember what it was when I lived here fifty years before.'

"Every generation has strengthened itself in North Carolina. That is a truism, and we should seek the same for every child that follows each and every one of us to stand here today in a different time in a new generation, but it is incumbent upon us that we see that they succeed, and we can only do that through different ways. One is educational initiatives, to see that every child has an opportunity to become what he or she can within those abilities that the Good Lord gave he or she. How are we to participate in that? We've done well in the past, have we not? How do we improve in the future? I think that we should give that opportunity regardless of where you were born as a child. If you were born in Graham County or Hyde County or Tyrrell or Columbus County or any other part, you should be able to succeed. You should have the same technologies. You should have the same textbooks and, yes, you should have the same health care as well, as a child. Last year we took gigantic steps in making those changes and seeing that health care was afforded to our children in North Carolina. A bit short we are this year, but now when a child goes to school he does not have to go with a toothache, with no glasses, and if a child can't hear, and we saw experiences of that, of other children who came and the teacher couldn't understand why little Billy didn't speak to the classroom. Little Billy couldn't hear and didn't know it, but in North Carolina we're making the changes to see that little Billy can hear or see and that the teeth are okay, not because of the income of the person, the child himself, but because of an initiative of a change that you created in this General Assembly, and that's a change that we all should be awfully proud of. All the little Billies and Susies and every other child in this State, we all look a little different sometimes. That's pretty obvious. The Good Lord made it such. But, he gave us the welcoming opportunity to afford chances of possibilities to succeed for our children. They cannot succeed unless they are educated or trained in some way that they can compete against their peers, not in just other states, not just in this country, but around this world. We are connecting ourselves to every country, and how we're linked, how we're tied together with an Internet system, a broad band possibility of high speed for every

community in the state is not a goal but a reality that has to happen and has to happen soon to allow for successes of all children. In education we have to, Senator Lee, have accountability. You've been a champion of that call. Coupled with the accountability are the tools that a teacher needs in the classroom to succeed for the children. Those tools include a competent salary. We made great steps in that area but not great enough, but there are tragedies that we didn't foresee that are man-made sometimes, because of actions of others or ourselves. When I say tragedies, they are not a wrecking crew per se, but they slow down and cool the economy. A hurricane is a natural tragedy and we had one in North Carolina, and it robbed us, truly, of eight hundred plus million dollars, but we did the rightful thing to make that appropriation to lift up those brothers of ours who were seriously hurt by the storm. But with the hurricane comes some tax settlements that we were involved in, and rightfully so; we are paying those today. Court settlements may cost us even more tomorrow as we find out what the judge has in his final statement of how we treat these difficulties of educating children in different areas because of their geography. Those settlements we will address, rightfully so, but see that we give the guarantees that the teachers have the salaries, the teachers have the tools, and the communities are allowed to allow every child to grow with each end, it will be costly. This is not a year where you have a great deal of money to afford these opportunities. There is some budget tightening that has to occur, and I ask that each and every one of you do as I asked every citizen of this State of any suggestion that you have that will make this life richer and better for all of us, to bring it to us of how we can save, how we can eliminate duplication in government, how we can pinch the pennies as you have to do as a citizen and a person in your home with your own family. We are going to behave differently. That's a truism. We will save money as we never saved before and we will see that the government runs efficiently and properly. I ask you to look at every corner of government, every agency and every department to find where the savings are. I ask you to do it in concert with the great employees we have in this State, and that we find ways to save this money. Now I'll be proposing, just as you'll be proposing, recommendations that will affect just that action.

"The environment means so much to each and every one of us. We can't live in a nest that's dirty. You'd never find a bird that would do so. Nature doesn't welcome such. We have to protect our waters and our beautiful mountains. The Senators from the west recently have embarked on an effort to protect the air of the mountains and the beauty of what it is, to see that they're guaranteed the same health opportunities because of what they breathe that everyone else is, and I commend them for such. The protection of the rivers of the mountains and the streams of the Piedmont, the sounds and big open bays and the ocean of the great Atlantic, is part of our legacy that we will leave behind. What is it that North Carolina will look like tomorrow and who will live with us, and what kind of environment will we have? We will do the right things.

"It is also incumbent upon us that we take care of those who cannot take care of themselves, certainly, our children, those who are neglected due to family circumstances out of their control, the mental health difficulties that so many people are tragically inflicted with. We promise that we will not forget you, or people such as you that we love so very much. Drugs for seniors. I do not understand any more than you understand why someone of age who does not have the money in the pocket cannot buy a drug which has been essential to the sustaining of life. I believe that our Governor has a proposal that we will welcome, maybe with some modifications and our joint relationship together. Every person is special in this State and every person truly counts. Senator Wellons, you are charged with a great responsibility to see that our consumers are protected in a new committee structure that we're involved in. Protecting one's privacy -- your personal information should be yours. It should not be given out to some business without your permission, or to your government. Protecting our seniors and our citizens from scam

artists is critically important as well, and our doctor-patient relationship has to be the relationship between us and the doctor himself. Everyone's peace of mind would count.

"Economic development for all in North Carolina is critically important to us as well. If we're to be one North Carolina we're going to have to have water and sewer. We're going to have to have high-tech technology and, yes, we're going to have to have roads in all parts of our state. Senator Gulley, you and your committee have come together in advance with some very bold recommendations, but before you carry forward any recommendation that may require new revenues, you have to purge state government of all waste and mismanagement. And hopefully we won't find a need for new revenues. We can generate it through technology and advancements of this new world of how to reach people. We have to continue to fully examine the more economically depressed regions of our state to see that you don't have to lift up those areas but that they lift up themselves on their own. That's all they ask and all they need. We have to be able to communicate with each other. We do a pretty good job at that, I would say, but that communication link this year is critically important because of our condition -- that we all work together as Republicans and Democrats and people black and white, whatever our station of life, that we succeed in representing people as we've never represented those before.

"In closing, I'd like to say that you understand, as we all do, that we're in a time of transition, a new millennium we are involved in today, a new administration, a new day in North Carolina. This transition gives us new opportunities to change old ways of doing business and to bring education and prosperity to all the people of this great State of ours. To do this we must work together, smarter and harder, and with more energy and more vision than we've ever had before. We have more challenges and many challenges facing us, but I know we can face these challenges head-on and do the right thing for all the people in this State, because this is what we, in North Carolina, have always done. And as we face the challenges and opportunities ahead, let's always keep in front of our minds that North Carolina, to be truly successful and to truly succeed, the dreams we dream for all our people must be in reach of every citizen of this state. No matter what your station in life, no matter what the color of your skin, no matter what your age, disability or special challenge, no matter where you live, from the mountains to the coast to the grand Piedmont in between, you deserve to achieve all you can and you deserve to have us give you that chance. God bless you. God help us, and God give us a North Carolina where everyone counts."

ADOPTION OF RULES

Senator Rand submits **S.R. 1,** A RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSIONS OF THE 2001 GENERAL ASSEMBLY OF NORTH CAROLINA, for adoption.

With unanimous consent, upon motion of Senator Rand, S.R. 1 is placed before the Senate for immediate consideration. Senator Rand explains the following Rules which are revised from the 1999 Senate Rules: Senate Rules 17, 40, 48, and 53.

Senator Horton offers Amendment No. 1, which fails of adoption (14-36).

Senator Rand offers Amendment No. 2.

Senator Webster offers Amendment No. 3 as a substitute Amendment for Amendment No. 2. Amendment No. 3 fails of adoption (16-34).

The question before the Senate becomes the adoption of Amendment No. 2. Amendment No. 2 is adopted (49-1).

With unanimous consent, upon motion of Senator Rand, Senate Resolution 1, as amended, is adopted and engrossed (48-2).

The text of the Resolution is as follows:

Be it resolved by the Senate:

SECTION 1. The permanent rules for the Regular Sessions of the Senate shall be as follows:

PERMANENT RULES OF THE REGULAR SESSIONS OF THE SENATE 2001 GENERAL ASSEMBLY OF NORTH CAROLINA

I. Order of Business, Rules 1-7
II. Conduct of Debate, Rules 8-17
III. Motions, Rules 18-24
IV. Voting, Rules 25-30
V. Committees, Rules 31-37
VI. Handling Bills, Rules 38-59.2
VII. Legislative Officers and Employees, Rules 60-65
VIII. General Rules, Rules 66-77.

I. ORDER OF BUSINESS

RULE 1. **Rules controlling the Senate of North Carolina and its committees.** – The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. **Convening hour.** – The Presiding Officer shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 2:00 P.M., except that if the next legislative day is Monday, time for convening shall be 7:00 P.M.

RULE 3. **Opening the session.** – The Presiding Officer shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. **Convening and presiding in absence of President.** – In the absence of the President, the President Pro Tempore shall convene or reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when the President Pro Tempore has already voted on the question as a Senator. In the event of the absence of the President and President Pro Tempore at any time fixed for the reconvening of the Senate, the Deputy President Pro Tempore of the Senate, the Principal Clerk of the Senate, or in their absence also, the Chair of the Senate Committee on Rules and Operations of the Senate, shall call the Senate to order and designate some member to act as Presiding Officer.

RULE 5. **Quorum.** – (a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convenes, the Senators present may send the Sergeant-at-Arms or any person, for any or all absent Senators, as a majority of the Senators present determines.

RULE 6. **Approval of Journal.** – After the prayer, and upon appearance of a quorum, the Presiding Officer shall cause the Journal of the preceding day to be read and approved, unless the President Pro Tempore or, in the President Pro Tempore's absence, the Deputy President Pro Tempore of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. **Order of business.** – After approval of the Journal, the order of business shall be as follows:

(1) Reports of standing committees.
(2) Reports of select committees.
(3) Introduction of bills, petitions, and resolutions.
(4) Messages from the House of Representatives.

(5) Veto messages from the Governor.
(6) Unfinished business of preceding day.
(7) Special orders.
(8) General orders:
a. Local bills in numerical order, Senate bills first:
1. Third reading roll call and electronic voting system votes.
2. Second reading roll call and electronic voting system votes.
3. Second reading viva voce.
4. Third reading viva voce.
b. Public bills in numerical order, Senate bills first:
1. Third reading roll call and electronic voting system votes.
2. Second reading roll call and electronic voting system votes.
3. Second reading viva voce.
4. Third reading viva voce.

II. CONDUCT OF DEBATE

RULE 8. **Presiding Officer to maintain order.** – The Presiding Officer shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, the Presiding Officer shall have the power to order those areas cleared.

RULE 9. (Reserved for future use).

RULE 10. **Points of order.** – (a) The Presiding Officer shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. The Presiding Officer shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and voting is necessary to sustain any appeal from the ruling of the Presiding Officer.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order that Senator shall take the assigned seat until the Presiding Officer determines whether that Senator was in order or not; if decided to be out of order, that Senator shall not proceed without the permission of the Senate; and every question of order shall be decided by the Presiding Officer, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words to which an exception is made shall be immediately taken down in writing by the Principal Clerk, so that the Presiding Officer or Senate may be better able to judge the matter.

RULE 11. **Debating and voting by Lieutenant Governor.** – The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. **Obtaining recognition.** – (a) When any Senator is about to speak in debate or deliver any matter to the Senate, that Senator shall rise and respectfully address the Presiding Officer. No member shall speak further until recognized by the Presiding Officer. The Presiding Officer shall recognize the first to rise and, when two or more members rise at the same time, the Presiding Officer shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Presiding Officer may award the floor to any Senator.

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

(1) A request that the member speaking yield for a question;

(2) A point of order; or

(3) A parliamentary inquiry.

(d) When a Senator refers to a bill, the bill number and short title must be used.

RULE 13. (Reserved for future use).

RULE 14. **Limitations on individual debate.** – (a) No Senator shall speak on the same reading more than twice on the main question, nor longer than 30 minutes for the first speech and 15 minutes for the second speech. No Senator shall speak on the same reading more than once on any motion or appeal, and then no longer than 10 minutes.

(b) By permission of the Presiding Officer, any member of the Senate may address the Senate from the well of the Senate.

RULE 15. **Questions of personal privilege.** – Upon recognition by the Presiding Officer for that purpose, any Senator may as the last order of the Senate's business that day speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. Personal privilege shall not be used to solicit support or sponsors for any bill. The Presiding Officer shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

RULE 16. (Reserved for future use).

RULE 17. **General decorum.** – (a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No derogatory remark reflecting personally upon any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the Presiding Officer is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between that Senator and the Presiding Officer.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave that member or officer's place until adjournment or recess is declared by the Presiding Officer.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body. No article of any kind soliciting business or donations may be placed by any person anywhere in the Senate Chamber or in any Senate office.

(g) Food or beverage shall not be permitted in the Senate Chamber, either on the floor or in the galleries; however, after the Senate has remained in session for a period of one hour, food and beverage shall be allowed upon the floor of the Senate.

(h) Reading of newspapers, magazines, periodicals, or books shall not be acceptable while the Senate is in session. This rule does not prohibit the use of quotations during debate or for personal privilege.

(i) The operation of wireless telephones, pagers, or laptop or notebook computers by Senators on the floor is prohibited while the Senate is in session. The operation by any other person of wireless communication devices which may be disruptive on the floor or in the gallery is prohibited while the Senate is in session.

(j) No member of the Senate shall place any item on another Senator's chamber desk or in another Senator's office unless the item conspicuously displays the name of the Senator placing the item.

III. MOTIONS

RULE 18. **Motions generally.** – Any motion shall be reduced to writing, if requested by the Presiding Officer or a Senator, and read by the Presiding Officer or Reading Clerk before the same is debated. Any motion may be withdrawn by the introducer at any time before decision or amendment. No motion relating to a bill shall be in order which does not identify the bill by its number and short title. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. **Motion; order of precedence.** – When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

(1) To adjourn.
(2) To lay on the table.
(3) For the previous question.
(4) To postpone indefinitely.
(5) To postpone to a certain day.
(6) To commit to a standing committee.
(7) To commit to a select committee.
(8) To amend.

RULE 20. **Motions requiring a second.** – The motions to adjourn, to lay on the table, and to call for the previous question shall be seconded and decided without debate.

RULE 21. **Motions to postpone to certain day and to commit.** – The respective motions to postpone to a certain day or to commit to a standing or select committee shall preclude debate on the main question.

RULE 22. **Motion to substitute.** – Subject to Rule 19, a member may offer a motion to substitute to any motion, except the motions for the previous question, to table or to adjourn. No motion to substitute shall be offered to a motion to substitute.

RULE 23. **Motion for previous question.** – (a) The previous question may be moved upon a pending single motion, any pending amendment or amendments, and/or the pending bill to its passage on that reading or all readings or the pending resolution to its adoption. An authorized Senator moving the previous question shall specify to what the motion applies. Unless specifically limited, the motion shall be deemed to apply to the bill or resolution along with any pending amendments to its passage.

(b) The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment.

(c) Only one of the following Senators may move the previous question:

(1) The chair of the committee submitting the report on the bill or other matter under consideration;
(2) The member introducing the bill or other matter under consideration;
(3) The member in charge of the measure, who shall be designated by the chair of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration; or
(4) The Chair of the Committee on Rules and Operations of the Senate.

RULE 24. **Motion to reconsider.** – (a) When a question has been once put and decided, any Senator who voted in the majority may move to reconsider the vote thereof. No motion for the reconsideration of any vote shall be in order after the bill, resolution, or other matter upon which the vote was taken has gone out of the possession of the Senate. No motion for reconsideration shall be in order unless made on the same day or in the next

following legislative day on which the vote took place. When the next legislative day has by motion of the Senate been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

(b) Notwithstanding subsection (a) of this rule, a motion to reconsider is in order at any time if made by the Chair or, in his absence, the Vice-Chair of the Committee on Rules and Operations of the Senate for the sole purpose of correcting grammatical errors in bills in the possession of the Senate.

IV. VOTING

RULE 25. **Use of electronic voting system.** – (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

(1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal;

(2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained;

(3) Second and third readings of bills proposing amendment of the Constitution of North Carolina; and

(4) The vote on approval of a bill that was vetoed by the Governor.

(b) Votes on the following questions shall be taken on the electronic voting system, and the resulting totals shall be recorded on the Journal:

(1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.

(2) Any other question upon direction of the Presiding Officer or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Presiding Officer shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to whom the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Presiding Officer shall enforce this rule without exception.

(e) When the electronic voting system is used, the Presiding Officer shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no';_____ seconds will be allowed for voting on this question; the Clerk will record the vote." After the machine locks and records the vote, the Presiding Officer shall announce the vote and declare the result.

(f) One copy of the machine printout of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, the Presiding Officer shall announce that fact to the Senate, and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the

electronic system printout, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. **Voice votes; call for ayes and noes.** – (a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye'," and, after the affirmative vote is expressed, "Opposed 'no' "; after which the Presiding Officer shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Presiding Officer shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, that Senator shall address the Presiding Officer and obtain recognition and say, "Upon that question I call for the ayes and noes." Whereupon the Presiding Officer shall say, "Is the call sustained?" If one-fifth of the remaining Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Presiding Officer shall announce, "An insufficient number up" and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. **Pair votes. –** (a) If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: " I desire to announce a pair. If Senator _____ were present, that Senator would vote _____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system printout all pairs announced.

(b) This rule does not apply to committee or subcommittee proceedings.

RULE 28. **Dividing question.** – (a) If any question contains several distinct propositions, a Senator may move that the question be divided. The motion shall:

(1) Be in writing,

(2) Be submitted to the Principal Clerk at the time the motion is made, and

(3) Clearly state how the question is to be divided.

The motion shall be adopted by majority vote of the Senators present and voting.

(b) If the motion to divide the question is adopted, then there shall be no further amendment or debate on any of the distinct propositions.

(c) If the question is divided and any part thereof fails, then the bill or resolution and any pending amendments shall be removed from the calendar and re-referred to the committee from which the bill or resolution was reported.

(d) Only one motion to divide the question shall be in order during consideration of a bill or resolution.

RULE 29. **Duty to vote; excuses.** – (a) Every Senator who is within the Senate Chamber when the question is stated by the Presiding Officer shall vote thereon unless that Senator is excused by the Senate.

(b) A Senator who is a member of a committee shall, upon request, be excused from deliberations and voting on the bill while it is before the committee. The Senator must make the request to the chair of the committee when the bill is first taken up for consideration and before any motion or vote on the bill or any amendment to the bill. The Senator making the request for excuse in committee must renew that request for excuse on the floor of the Senate as set forth in this rule.

(c) Any Senator may move to be excused at any time from voting on any matter. The Senator may make a brief statement of the reasons for the motion which question shall be taken without debate on the motion.

(d) The Senator may send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the motion, and the Clerk shall include this statement in the Journal.

(e) The Senator so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

(f) A Senator may move that the excuse of that Senator from deliberations on a particular bill be withdrawn, which question shall be determined without debate.

(g) A motion to be excused or for the withdrawal of an excuse shall be taken without debate.

(h) A motion by any Senator to change that Senator's vote must be made on the same legislative day as the vote is taken. This subsection may not be suspended.

RULE 30. **Explanation of vote.** – Any Senator may, as the last order of the Senate's business that day, explain that Senator's vote on any bill that day by obtaining permission of the Presiding Officer after the final vote is taken. No more than three minutes shall be consumed in such explanation.

V. COMMITTEES

RULE 31. **Appointment of committees.** – The President Pro Tempore of the Senate shall have the exclusive right and authority to appoint the membership of all committees, regular and select, and to appoint committee chairs and vice-chairs and to establish select committees, but this does not exclude the right of the Senate by resolution to establish select committees. Upon the recommendation of the Committee on Rules and Operations of the Senate, the Senate may authorize by majority vote of the Senators present and voting a change in the number of standing committees.

RULE 32. **List of standing/select committees.** – The standing committees shall be:

Agriculture/Environment/Natural Resources
Appropriations/Base Budget
  Appropriations on Department of Transportation
  Appropriations on Education/Higher Education
  Appropriations on General Government
  Appropriations on Health and Human Services
  Appropriations on Information Technology
  Appropriations on Justice and Public Safety

Appropriations on Natural and Economic Resources
Children & Human Resources
Commerce
Education/Higher Education
Finance
Health Care
Information Technology
Insurance and Consumer Protection
Judiciary I
Judiciary II
Rural Development
State and Local Government
Pensions & Retirement and Aging
Redistricting
Rules and Operations of the Senate
Transportation
Ways & Means.

RULE 33. **Notice of committee meetings.** – (a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

(b) The chair of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time, and place of that meeting.

(c) The published calendar shall reflect those committee notices received in the Office of the Principal Clerk prior to 3:30 P.M. or as announced in the daily session.

RULE 34. **Membership of committees; quorum.** – (a) Membership on standing committees shall consist of not more than 20 nor fewer than five Senators, including the chairs and vice-chairs and ranking minority members; provided that:

(1) The Appropriations/Base Budget and Finance Committee shall not be limited as to membership, and

(2) The Commerce Committee shall consist of 22 members. The President Pro Tempore shall have the exclusive right and authority to determine the total number of members and the number of members of each political party of each committee. No Senator shall hold membership on more than 12 standing committees unless the Committee on Rules and Operations of the Senate provides otherwise. A quorum of the Appropriations/Base Budget, Ways and Means, and Finance Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chair and five members or a majority of the committee, whichever is fewer.

(b) The President Pro Tempore may serve as an ex officio member of each Senate committee and subcommittee.

RULE 35. **Roll call vote in committee.** – No roll call vote may be taken in any committee. The committee chair may vote in committee.

RULE 36. **Standing committee and standing subcommittee meetings.** – No committee or subcommittee shall hold a secret meeting. All meetings of committees and subcommittees shall be open to the public, except as provided in G.S. 143-318.14A(e). In no event shall final action be taken by any committee or subcommittee except in open session.

RULE 36.1. **Committee minutes to Legislative Library.** – The chair of a committee shall ensure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 30 days after the adjournment of each

session of the General Assembly, the chair shall deliver the minutes to the Legislative Library. The President Pro Tempore of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chair.

RULE 37. (Reserved for interim operations rule).

VI. HANDLING BILLS

RULE 38. **Application of rules.** – All provisions of these rules applying to bills shall apply also to resolutions, memorials, and petitions.

RULE 39. **Form and copies of bills.** – (a) Unless variation is authorized by the Committee on Rules and Operations of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office and approved by the Committee on Rules and Operations of the Senate.

(b) Whenever a bill is filed 25 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the primary sponsor.

RULE 39.1. **Public and local bills; availability of copies of bills.** – A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the Senate.

RULE 40. **Introduction of bills.** – (a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document, or by that member's legislative assistant with the prescribed authorization form signed by the primary sponsor and by that member's legislative assistant to the Office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 30 minutes after adjournment; and

Any other day the Senate holds a session until 3:00 P.M.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading.

(b) All memorializing, celebration, commendation, and commemoration resolutions, except those which solely honor the memory of deceased persons or a North Carolina institution, or both, shall be excluded from introduction and consideration in the Senate.

RULE 40.1. **Deadlines on filing for introduction of bills and resolutions.** – (a) All local bills and resolutions must be filed for introduction not later than Wednesday, March 14, 2001, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 21, 2001, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those honoring the memory of deceased persons or adjourning the General Assembly, must be filed for introduction not later than March 28, 2001, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, April 4, 2001, shall be treated as if it had been filed for introduction under this rule.

(c) A two-thirds vote of the membership of the Senate present and voting shall be required to file for introduction any bill or resolution after the dates established by this rule.

(d) This rule shall not apply to any appropriations, finance, or local bills filed in reconvened session following the adjournment of the first year of the biennial session.

RULE 41. **Crossover bill deadline.** – In order to be eligible for consideration

by the Senate during the 2001 or 2002 Regular Sessions of the 2001 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42, or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than April 26, 2001, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

RULE 41.1. **Relationship between Committee on Ways and Means and other committees dealing with money matters; relationship between these other committees dealing with money matters.** – In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of a chair of any two of the following committees: Appropriations/Base Budget, Finance, and Ways and Means, any bill which is reported favorably from the Committee on Appropriations/Base Budget, or the Committee on Finance shall be re-referred by the Presiding Officer to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations/Base Budget pursuant to Rule 43 may be referred by the Chair of the Committee on Appropriations/Base Budget to the Appropriations Committee on the Department of Transportation, the Appropriations Committee on Education, the Appropriations Committee on General Government, the Appropriations Committee on Health and Human Resources, the Appropriations Committee on Information Technology, the Appropriations Committee on Justice and Public Safety, or the Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations/Base Budget.

RULE 42. **Reference of appropriation and finance bills.** – (a) All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations/Base Budget and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations/Base Budget Committee before proper action may be taken by the Senate.

(b) All bills introduced in the Senate providing for bond issues, imposing or raising fees or other revenues payable to the State, its agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Committee on Finance before proper action may be taken by the Senate.

(c) This rule shall not apply to bills imposing civil penalties, criminal fines, forfeitures, or penalties for infractions.

RULE 42.1. **Fiscal notes.** – (a) A Chair of the Appropriations/Base Budget Committee, or of the Finance Committee, or of the Rules and Operations of the Senate Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution, or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that Chair the fiscal effects of that measure are not apparent from the language of the measure. No bill, resolution, or amendment for which a fiscal note has been requested may be considered for passage prior to the fiscal note being attached to it.

(b) The fiscal note shall be filed and attached to the bill, resolution, or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so

advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

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

(d) A sponsor of a bill, resolution, or amendment may deliver a copy of that member's bill, resolution, or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when the sponsor files the bill or resolution or to the amendment when the sponsor moves its adoption.

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

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

RULE 42.2. **Actuarial notes.** – (a) Every bill or resolution proposing any change in the law relative to any:

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

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

shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate there from, and shall be clearly designated as an actuarial note. Upon its introduction, a bill described in subdivision (a)(1) of this rule shall be referred to the Committee on Pensions and Retirement and Aging.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with the sponsor's request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the retirement or pension system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

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

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, the chair of the committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a system or program described in subdivision (a)(1) of this rule, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

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

RULE 42.3. **Assessment reports.** – (a) Licensing or Registration Boards. Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing or registration board or a study for the need to establish such a board shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, an assessment report from the Legislative Committee on New Licensing Boards, pursuant to Article 18A of Chapter 120 of the General Statutes. The assessment report shall not constitute any part of the expression of legislative intent proposed by the formation of a licensing board.

Upon receipt of the request, the Legislative Committee on New Licensing Boards shall prepare and return the assessment report as soon as possible but not later than 60 days, reserving the right to extend this time to 90 days. A supplementary report shall be prepared and submitted to the requesting Senator not later than 30 days after the receipt of the request.

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

RULE 42.3A. **Proposed increases in incarceration.** – (a) Every bill, amendment, and resolution proposing any change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, shall have attached to it at the time of its consideration by the Senate a fiscal note prepared by the Fiscal Research Division. The fiscal note shall be prepared in consultation with the Sentencing Policy and Advisory Commission and shall identify and estimate, for the first five fiscal years the proposed change would be in effect, all costs of the proposed net increase in incarceration, including capital outlay costs if the legislation would require increased cell space. If, after careful investigation, the Fiscal Research Division determines that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared. However, technical and mechanical defects may be noted.

(b) The sponsor of each bill, amendment, or resolution to which this subsection

applies shall present a copy of the bill, amendment, or resolution with the request for a fiscal note to the Fiscal Research Division. Upon receipt of the request and the copy of the bill, amendment, or resolution, the Fiscal Research Division shall prepare the fiscal note as promptly as possible. The Fiscal Research Division shall prepare the fiscal note and transmit it to the sponsor within two weeks after the request is made, unless the sponsor agrees to an extension of time.

(c) This fiscal note shall be attached to the original of each proposed bill, amendment, or resolution that is reported favorably by any committee, but shall be separate from the bill, amendment, or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a bill, amendment, or resolution pursuant to this subsection is not a part of the bill, amendment, or resolution and is not an expression of legislative intent proposed by the bill, amendment, or resolution.

(d) If a committee reports favorably a proposed bill or resolution with an amendment that proposes a change in the law that could cause a net increase in the length of time for which persons are incarcerated or the number of persons incarcerated, whether by increasing penalties for violating existing laws, by criminalizing behavior, or by any other means, the chair of the committee shall obtain from the Fiscal Research Division and attach to the amended bill or resolution a fiscal note as provided in this section.

RULE 42.4. **Content of appropriations bills.** – (a) No provision changing existing law shall be contained in any of the following bills: (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium.

(b) No amendment to any bill listed in subsection (a) of this rule shall be in order if the language is prohibited by that subsection.

(c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed in subsection (a) of this section or an amendment to such bill may change existing law if the change:

(1) Alters expenditures or salaries;

(2) Changes the scope or character of a program which must be reduced, increased, or changed because of an increase or decrease of funds appropriated for the program or because of changes in federal law or regulation; or

(3) Modifies any function of State government which necessitates a transfer of funds from one department to another;

provided, that for a provision to be in order under this subsection, it must be recommended to the General Assembly in a written report adopted by the Appropriations/Base Budget Committee before or at the same time the bill is reported, or if such provision is contained in a floor amendment, the sponsor of the amendment must present to the Principal Clerk at or before the time the amendment is offered an explanation of the amendment for distribution to each member of the Senate.

RULE 42.5. **Appropriations/Base Budget Committee meetings.** – Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Appropriations/Base Budget Cochairs may in their exclusive discretion direct that the Appropriations/Base Budget Committee or its subcommittees or both may consider the budget and the budget plan including all appropriations in separate meetings from the House of Representatives and may do all things set forth in said statute separately from the House of Representatives.

RULE 43. **First reading; reference to committee.** – All bills filed for introduction and all House bills received in the office of the Principal Clerk not later than one and one-half hours preceding the convening of the Senate, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill. The Chair of the Committee on Rules and

Operations of the Senate or, in the Chair's absence, the Vice-Chair of the Committee shall refer to a Senate committee all bills introduced in the Senate or received from the House of Representatives. Upon the referral being made, the Chair of the Committee on Rules and Operations of the Senate shall notify the Principal Clerk of the Senate of the referral, and the Reading Clerk shall announce the referral of the bill. The Principal Clerk shall inform the Presiding Officer of the referral. The title and referral shall be entered upon the Journal.

Bills may be referred to more than one committee serially, i.e. "S.B. _____ is referred to the Committee on Finance and upon a favorable report referred to the Appropriations/Base Budget Committee."

RULE 44. **Bills to receive three readings.** – Every bill shall receive three readings before being passed, and the Presiding Officer shall give notice at each reading whether it be the first, second, or third. The Reading Clerk shall announce the referral as set forth in Rule 43. No bill shall be amended upon the floor of the Senate, except under Rule 45.1, until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 45. **Reports of committees.** – Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a quorum of the committee was present and a majority of those present voted in favor of the report. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. **Action on amendment or committee substitute.** – If any committee recommends adoption of an amendment or committee substitute of a bill or resolution, the amendment or committee substitute shall be considered adopted upon the reading of the committee report and shall be engrossed. The bill or resolution, as amended, or its adopted committee substitute shall be placed on the calendar for the next legislative day or re-referred if the bill or resolution was serially referred. The committee substitute's original bill or resolution shall lie on the table. Notwithstanding any other provision of this rule, a committee substitute for a simple resolution shall be placed on the calendar for the next legislative day for a vote on its adoption.

RULE 46. **Unfavorable report by committee.** – (a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table and placed upon the calendar by a two-thirds vote of the membership of the Senate present and voting.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be "The adoption of the minority report." If the minority report is adopted by a majority vote of the membership of the Senate, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. **Recall of bill from committee and discharge petition.** – (a) Notwithstanding anything to the contrary, only the President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or the chair of a committee to which a bill or other matter is assigned may, with the consent of a majority of the membership of the Senate present and voting, recall the measure to be referred to another committee or the floor.

(b) A motion to discharge a committee from consideration of a bill or resolution may be filed with the Principal Clerk if accompanied by a petition signed by three-fifths of

the members of the Senate asking that the committee be discharged from further consideration of the bill or resolution. No petition may be circulated for signatures until 10 legislative days after the bill has been referred to the committee. No petition may be circulated for signature until notice has been given on the floor of the Senate that the petition is to be circulated. If such a motion accompanied by a valid petition is filed, the Principal Clerk shall place that motion on the calendar for the next legislative day as a special order of business. If the motion is adopted by a majority of the Senate, then the committee to which the bill or resolution has been referred is discharged from further consideration of the bill or resolution, and that bill or resolution is placed on the calendar for the next legislative day as a special order of business. If the committee had, prior to discharge, adopted any amendment or committee substitute for the bill, it shall be in order to offer that amendment or substitute on the floor as if it were a committee amendment or substitute. The Principal Clerk shall provide a form for discharge petitions.

(c) This rule shall not be temporarily suspended.

RULE 48. **Calendar; order to be followed.** – The Presiding Officer and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion, and shall include the bill number and short title of each bill on the calendar.

RULE 49. (Reserved).

RULE 50. **Third reading requirements.** – No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

RULE 51. **Special orders.** – Any bill or other matter in consideration before the Senate may be made a special order for a subsequent day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. **Procedure when necessary number of Senators not present.** If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

RULE 53. **Effect of defeated measure**. – (a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. After an amendment has been tabled or defeated on the Senate floor, the contents of such amendment or the principal provisions of its subject matter shall not be embodied in any other measure. If a substitute amendment is adopted on the floor, the contents of the previously pending amendment which are not contained in the substitute shall be considered to have been defeated. Upon the point of order being raised and sustained by the Presiding Officer, such measure shall be laid upon the table and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting: Provided, no local bill shall be held by the Presiding Officer as embodying the provisions, or being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie

upon the table and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting.

RULE 54. **Taking bill from table.** – No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the membership of the Senate present and voting.

RULE 54.1. **Bill title.** – The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. **Amending titles of bills.** – When a bill is materially modified or the scope of its application extended or decreased, or if the county or counties to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. **Corrections of typographical errors in bills.** – The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chair of the Committee on Rules and Operations of the Senate or, in his absence, the Vice-Chair of said Committee.

RULE 56.1. **Amendments and committee substitutes adopted by the House to bills originating in the Senate.** – (a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Chair of the Rules and Operations Committee of the Senate may, or upon motion supported by a majority of the Senate present and voting shall refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure is referred to committee, the committee shall:

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

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

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence. In the event there is more than one House amendment, the question shall be concurrence in all the House amendments and the question may not be divided, notwithstanding rule 28. The question which shall be put before the Senate by the Presiding Officer shall be: "Does the Senate concur in the House amendments (committee substitute) to S.B. ?".

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

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

RULE 57. **Conference committee.** – Whenever the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate, or whenever the House of Representatives fails to concur in amendments or committee substitutes put by the Senate to a bill originating in the House, a conference committee shall be appointed by the President Pro Tempore of the Senate or in the President Pro

Tempore's absence the Deputy President Pro Tempore, upon motion, and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House of Representatives. Senate conferees shall include the primary sponsor of the bill. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. In conference committee, the Senate's position shall be determined by a majority of the Senate conferees. The conference report shall not be amended.

RULE 57.1. **Germaneness of amendment.** – All amendments and committee substitutes shall be germane to the subject matter of the bill. The question of germaneness is in order at any time the measure is before the body prior to final action on the measure.

RULE 58. **Certification of passage of bills.** – The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the membership of the Senate present and voting, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. **Transmittal of bills to House.** – No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the membership of the Senate present and voting.

RULE 59.1. **Engrossment.** – Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

RULE 59.2. **Vetoed Bills.** – (a) The Principal Clerk is designated the Senate Officer to receive bills vetoed by the Governor. The veto message shall be read in the Senate on the next legislative day following its receipt by the Principal Clerk.

(b) Upon a veto message being read in the Senate, the Chair of the Committee on Rules and Operations of the Senate shall either refer the bill and the Governor's objections and veto message to committee or place the bill on the calendar for a day certain.

VII. LEGISLATIVE OFFICERS AND EMPLOYEES

RULE 60. **Pages.** – (a) The President Pro Tempore of the Senate shall appoint pages. The President Pro Tempore, or such person as the President Pro Tempore may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 15 years of age or be in the ninth grade at the time of service.

(b) Members may designate honorary pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

RULE 61. **Sergeants-at-Arms.** – (a) There shall be 15 positions of Assistant Sergeants-at-Arms to be appointed, upon the recommendation of the President Pro Tempore, by the Sergeant-at-Arms who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the Presiding Officer of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. **Principal Clerk's staff.** – The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of that office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as the Principal Clerk shall direct to the employees and clerks of that office.

RULE 63. **Committee assistants and legislative assistants.** – (a) Each committee shall have a committee assistant. The committee assistant to a committee shall serve as legislative assistant to the chair of that committee.

(b) Each member shall be assigned a legislative assistant, unless that member has a committee assistant to serve as that member's legislative assistant.

(c) The selection of committee assistants, legislative assistants, and office assistants shall be the prerogative of the individual member. Such committee assistants and legislative assistants shall file initial applications for employment with the Director of Legislative Assistants and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of committee assistants, legislative assistants, and office assistants shall comply with the period as established by the Legislative Services Commission unless employment for an extended period is approved by the President Pro Tempore. The committee assistants, legislative assistants, and office assistants shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Director of Senate Legislative Assistants as the Committee on Rules and Operations of the Senate shall adopt.

(d) The Director of Senate Legislative Assistants and any assistants shall be appointed by the President Pro Tempore of the Senate.

RULE 64. **Senate Journal.** – The Principal Clerk shall prepare and be responsible for the Journal. The President Pro Tempore or, in the President Pro Tempore's absence, the Deputy President Pro Tempore shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. **Deputy President Pro Tempore.** – The Senate shall elect a Deputy President Pro Tempore. Upon the death, resignation, or removal from office of the President Pro Tempore, the Senate shall elect one of its members to succeed to that office.

VIII. GENERAL RULES

RULE 66. **President to sign papers.** – All acts, addresses, and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President or by the President Pro Tempore or Deputy President Pro Tempore presiding in the President's absence.

RULE 67. **Admission to the floor of the Senate.** – No person, except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the Presiding Officer, shall be admitted to the floor of the Senate during its session. Notwithstanding any other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session. When the Senate is not in daily session, the President Pro Tempore shall determine the privileges of the floor.

RULE 67A. **Restricted admission to the floor of the Senate prior to the daily session.** – No person, except members of the Senate, members of the House of Representatives, staff of the General Assembly; the staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by a member of the Senate or the Presiding Officer, shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of this rule, no registered lobbyist shall be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session.

RULE 67.1. **Recognition for extending courtesies.** – (a) Courtesies of the floor and galleries shall be extended only by the Presiding Officer on the Presiding Officer's own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) The Presiding Officer, upon written request at intervals between various

orders of business, may extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the Presiding Officer shall, at such times as deemed appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 68. **Privileges of the floor.** – Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the President Pro Tempore or, in the President Pro Tempore's absence, the Deputy President Pro Tempore of the Senate.

RULE 69. **News media.** – The President Pro Tempore is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media, and the President Pro Tempore shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. **Absence without leave.** – No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time absent without leave.

RULE 71. **Placing material on Senators' desks or in Senators' offices.** – Any person other than a member of the Senate or an employee of the General Assembly desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to and obtain written approval from the Principal Clerk.

RULE 72. **Assignment of seats; offices.** – (a) The President Pro Tempore of the Senate shall assign seats in the Senate Chamber to the members elected. The President Pro Tempore, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) Not later than two weeks after the initial committee assignments become final, the President Pro Tempore of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairs, and members of the Senate. In making such assignments of individual offices, the President Pro Tempore may give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

RULE 73. **Administrative rules and regulations involving Senate employees.** – All administrative rules, regulations, and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operations of the Senate.

RULE 74. **Public hearings.** – Any Senator may request in writing a public hearing by the committee considering the bill on a public bill. Requests may be granted in the discretion of the chair. Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. **Public hearings, filing of written statements.** – Persons desiring to appear and be heard at a public hearing are encouraged to file with the chair of the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. **Voting in joint sessions.** – When the Senate sits jointly with the House, either in committee or in joint session, the Senate reserves the right to vote separately.

RULE 77. **Alterations, suspension or rescission of rules.** – (a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must,

on the floor of the Senate, give notice of the intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the membership of the Senate present and voting, may temporarily suspend any of these rules.

SECTION 2. This resolution is effective upon adoption.

ELECTION OF OFFICER ESTABLISHED BY THE SENATE RULES

Pursuant to Senate Rule 65, the President declares the floor open to receive nominations for Deputy President *Pro Tempore* and recognizes Senator Albertson who offers the following nomination and remarks:

"Thank you, Madame President. Members of the Senate, honored guests, ladies and gentlemen, it is my privilege and great honor to present to you a man whom I consider to be a great public servant, one who truly cares about the people of this state, and who is often a voice for those who are disenfranchised or those who have no voice. He enjoys good humor, but he can also be dead serious. He has the courage to stand alone if need be, and I can tell you he is one of my favorite people in this North Carolina Senate. I am pleased to nominate my good friend from Warren County, Senator Frank W. Ballance, Jr., for Deputy President *Pro Tempore* of the 2001-2002 Session.

The Chair recognizes Senator Dannelly who seconds the nomination and adds the following remarks:

"Thank you, Madame President. Ladies and gentlemen of this August Body, on February 15, 1942, Alice Easton and Frank Winston Ballance had their third child. They were so proud of him, they christened him Frank Winston Ballance, Jr. and they adorned him with Christian teachings, love, competence, and courage. Frank has been the first Vice Chairman of the North Carolina Democratic Party. He's the past first Vice President and Chairman of the First Congressional District Democratic Party. He's the past President of the Warren County NAACP. In 1996, the North Carolina Academy of Trial Lawyers made him the Lawyer of the Year. Frank served four years in the House of Representatives for North Carolina. That's where he got his training. In 1988, he was elected to the Senate and is beginning his thirteenth year. Frank is the Chairman of the Deacon Board for Greenwood Baptist Church in Warrenton, North Carolina. He is the author of the racial profiling legislation for the State of North Carolina. He's a graduate of North Carolina Central University undergraduate school and law school. Now this Frank, ladies and gentlemen, with some of these accomplishments, is a country boy that was born in Windsor, North Carolina. He is married to Bernadine Smallwood, who is a member of the North Carolina Industrial Commission. They have three children: Gary, who is a District Judge; Dr. Angela Mebane, who is doing a three-year residency at the University Medical Center at East Carolina University; and Valerie, a graduate student at North Carolina A&T State University. Ladies and gentlemen, this is the third time I have been privileged to be a part of the nomination of Frank W. Ballance, Jr. for Deputy President *Pro Tempore*. Frank has proven in the past that he is extremely capable of that position, and I urge you to vote for him. Thank you."

The motion offered by Senator Dannelly that the nominations be closed and that Senator Ballance be elected Deputy President *Pro Tempore* by acclamation prevails.

The Chair declares Senator Ballance elected Deputy President *Pro Tempore* and appoints Senator Albertson, Senator Dannelly, Senator Hartsell, Senator Horton, Senator

Jordan, and Senator Kinnaird to escort the Deputy President *Pro Tempore*-elect to the Well of the Senate. Senator Dannelly presents Senator Ballance to the President. The President directs the Sergeant-at-Arms to escort Mrs. Bernadine Ballance, a member of the Industrial Commission and the wife of Senator Ballance, to the Well of the Senate where she joins him as he receives the prescribed Oath of Office. The Honorable Robin Hudson, Judge of the North Carolina Court of Appeals, administers the prescribed Oath of Office.

The President recognizes Senator Ballance, Deputy President *Pro Tempore*, who offers the following remarks:

"Thank you, Madame President, President *Pro Tempore*, Senate colleagues, friends all. I am grateful first to a God who is able, and I thank Him for keeping me and keeping you. I am grateful also to my late father, Frank Winston Ballance, Sr., who taught me, even though he only, he said, went to school once in his brother's place. I am also grateful to my mother, Mary Easton Ballance, 81 years old. Wave, Momma. She's still hanging in there. She's still working. She runs a day care for children and infants and an adult day care center. I'm grateful for and to my other family members. Two of my children are here, my sisters are here. And to my lovely wife, Bernadine Smallwood Ballance, thank you dear for your love and support. To my church family, represented by Pastor Eddie Wayne Lawrence, the Human Relations Director for the State of North Carolina, to all my constituents from the Second District, I want to introduce Mrs. Suzie Weathersby, whom you saw sitting at the front. She's from Tillery, North Carolina and she's 100 years old. She may come back here yet before we get through. Give her a hand in her absence. I am grateful to our Congresswoman who was introduced earlier. Congresswoman Clayton, thank you so very much for coming today. I want to thank Judge Robin Hudson, one of our newest Court of Appeals Judges, for running the Oath to me today. To the two Charlies, Albertson and Dannelly, I didn't hear what ya'll said but I hope it was good. To the members of the escort committee whose names you've already heard; I won't call them again, but thank you all for your kindness and your courtesies. A special thanks to my friend and yours, a gentlemen from Dare, Marc Basnight. Marc, your friendship is revered. Thank you so much. And I want to thank my Senate colleagues for accepting Marc's recommendation. You know, we have one leader at a time, and that's Marc Basnight and I'm just proud to be a part of the team. To all who come today for this ceremony, we appreciate your presence, Ervin Johnson and others, Reverend Holleman.

"Today we begin a new journey in this new year and new century and we have a new opportunity to solve old and new problems. You might ask, what are my priorities? Well, first of all, my priorities are the same ones Senator Basnight outlined to you earlier. I have not given too much thought, Senator Rand, to what my number one bill might be, but recently I was doing a little work in my law office and I had the opportunity to look at the mortuary tables, G.S. 8-46 for those who want to look them up, and I was looking up the life expectancy of one of my clients and I decided to check my life expectancy. Lo and behold, I found I only have about 20 years left, so one of the things I want to do is to amend the mortuary table. (Laughter and Applause) Once we get that bill going, we want to work together to make real in our lifetimes the dream of one nation, under God, liberty and justice for all, first, here in our State of North Carolina and then in our Nation. You know, this dream was spoken of, as you recall, Dr. King, Martin Luther King, Jr., whose birthday we celebrated just nine days ago. It is now the famous 'I Have a Dream' speech delivered at the Lincoln Memorial on August 28, 1963. It was also referenced by our forty-second President, William Jefferson Clinton, when he appointed a Commission on One America. As you recall, it was shared by our own Dr. John Hope Franklin, Senator Lucas, who's your constituent, and on January 5 our seventy-second Governor, and the first of this century, spoke of One North Carolina, and last Saturday our forty-third

President, George W. Bush, spoke of building a single nation of justice and opportunity for all. I hope and I pray and I pledge to work with each of you that we, as legislators, will continue on the path that we've started on making our school systems and each and every community, rural and urban, rich and poor, the best for our students and to make our students the best in America. We also want to prohibit and continue to work on issues of racial profiling. We don't believe that arrests should have anything to do with skin color, or stopping people on our highways and streets should have anything to do with your ethnic background. We want to stamp out, with a program we started, predatory lending, and make sure that's done away with. And we want to make sure that our economic development is spread all across this great and beloved State of ours and to all of our citizens.

"Further, I believe that we should not have on our books laws that allow a person with the mental capacity of a twelve-year-old, one who is mentally retarded, to be executed. I think that is wrong. I don't believe we should allow race to be considered as a factor in who will be eligible for the death penalty or any other kind of penalty in North Carolina. And we should not allow innocent persons to sit on death row at Central Prison, and until we can get it right I believe we ought to look seriously at adopting a moratorium on the death penalty in this state. There should be no other Ronald Cottons. Remember, we delved into a young man in Alamance County who had spent eleven years in jail although he was innocent. Luckily, he was not on death row.

"We've made great progress here in North Carolina, but we've got miles to go before we sleep. As I close, I want to recall to you that when I was growing up in Bertie County on a farm that my daddy didn't own, working in the hot sun and the peanut fields, I had some big dreams. And, E.W. Lawrence, the hotter the sun got, the bigger my dreams got, but those were personal. I now have big dreams for my state, for my country, and for all of our people. When my son, Gary, was in the eleventh grade, he got a job at a factory called Almay in Oxford, North Carolina, and this job was working at the end of a conveyor catching boxes and stacking them. After he had worked a week he came home and said 'Dad, you know, I think I'm going to study a little harder next year. In fact, I want to try to make sure I get a scholarship.' Well, he got a scholarship to Hampton University and then he got a scholarship to UNC-Law School and I am proud that he is one of our new district court judges. Thank you, Gary Ballance. Stand and wave your hand. Say hello. But you know, that's just one story. There are thousands and thousands of other young people across this great state who have big dreams, and it's our job to make sure that they have an opportunity to realize and make those dreams reality.

"I believe we can dream and work together for a more perfect North Carolina where we hold these truths to be self-evident: that all men and women are created equal and they are endowed by their creators with certain unalienable rights and among those are life, liberty, and the pursuit of happiness. You may say, 'Well, Senator, how long is that going to be?' Well, I talked to Dr. King the other day and he told me 'Frank Ballance, not long now.' And I said 'Doc, we're going to have some difficult days ahead.' He said, 'Well, we had them before. We overcame them.' It won't be long now because the obstacle to a moral universe is long, but it bends towards justice. Thank you very much."

ELECTION OF STATUTORY OFFICERS

Pursuant to G.S. 120.37, the President declares the floor open to receive nominations for the Office of Principal Clerk. The President recognizes Senator Lee of Orange County who offers the following nomination and remarks:

"Madame President, members of the Senate, I have a perfect record which I hope you help me maintain intact today. Of the two previous times I have risen in support of this

person for the Office of Principal Clerk, she has been elected by unanimous vote. I believe the same will and should be true on this occasion. That person is Janet B. Pruitt. There is no one in this chamber who has had more varied experiences in this legislature than Ms. Pruitt. She has risen through the ranks to the high Office of Principal Clerk. She has performed her duty with distinction, with proficiency, with organization, and with clarity. She has maintained a high standard in record keeping, and she performs her duties in a way that keeps us in the Senate functioning like a well-oiled machine. I could spend a lot of time talking about Janet's background. I could spend a great deal of time exhorting her virtues as Principal Clerk and going through a long list of accomplishments in citing her record. All of you know her, you have worked with her, you have watched her function, and as we embark on the 2001-2002 Legislative Session with a myriad of challenges facing us, with the varied bills which will pass through this Chamber, with the number of amendments which have already started that will be put forth in relation to that legislation, the Principal Clerk's job will be a challenging one. The person whom we have supported through the years and hopefully will support today will continue to function in that high level and efficient fashion at which she has functioned during the last sessions. It is with a great deal of pleasure, a high honor, and a privilege to place in nomination for the Office of Principal Clerk, Ms. Janet B. Pruitt."

The President recognizes Senator Plyler of Union County who seconds the nomination and offers the following remarks:

"Thank you, Madame President and members of the Senate and guests. I do appreciate this opportunity very, very much today to second the nomination of Janet Pruitt as Principal Clerk of the North Carolina Senate. Senator Lee has spoken very highly and well of Janet Pruitt, and I won't repeat a lot of the things he said but I do have a few things that I would like to say about Janet 'cause I have known Janet for many, many years. Janet is one of the hardest working people that I have ever known in this North Carolina General Assembly. She is working many, many hours when we're not here. She comes in early in the morning, she stays late at night. She has a wonderful organization of ladies and gentlemen that help her in the Principal Clerk's office. She does not get nervous, she does not give up; she continues to do exactly what is needed and what is called for in being Principal Clerk of the North Carolina Senate. Janet has been in state government for many years and this is the third time, I believe, that I've had the opportunity to stand up and second the nomination for Janet Pruitt, but again I would say that there is not another person in the other forty-nine states that will do a better job or equal what Janet Pruitt does to keep this Senate going and to keep us from making mistakes as much as possible. So, Madame President and members of the Senate and guests, it is a privilege for me to second the nomination of Janet B. Pruitt for the Principal Clerk of the North Carolina Senate for the years 2001 and 2002, and Madame President, I move that the nominations be closed and Janet B. Pruitt be elected by acclamation."

The motion by Senator Plyler that the nominations be closed and that Janet B. Pruitt be elected Principal Clerk of the 2001 Senate by acclamation prevails. The President declares Janet B. Pruitt duly elected and appoints, Senator Garwood, Senator Odom, and Senator Robinson to escort the Principal Clerk-elect, Janet B. Pruitt, to the Well of the Senate. The Honorable Elaine Marshall, Secretary of State of the State of North Carolina, administers the prescribed Oath of Office and the Chair directs the Principal Clerk to assume her seat.

The President declares the floor open to receive nominations for the Office of Reading Clerk. The President recognizes Senator Miller of Wake County who offers the following

nomination and remarks:

"Thank you, Madame President, members of the Senate. I am proud to nominate for this low-tech office a familiar figure to us, Roy Clark. The members of this Senate have not had laptops in this Chamber, but on and off for forty-two years we have had Roy Clark, and why would we want laptops when we have Roy. Roy began his service in the old Capitol Building in 1959 and served there until 1965 as our Reading Clerk and has served continuously since 1975. He received an excellent education. He is a graduate of the University of North Carolina at Chapel Hill, and if the fighting in this chamber, and even across the fountains sometimes seems tame to Roy, it is because he has seen real combat. He flew forty-five combat missions in the Second World War. He received honors that he surely did not want -- two Purple Hearts -- and an honor he says he did not deserve -- a good conduct medal. He worked for forty years in the tobacco business, seven in foreign sales. This Senate has done many foolish things in the last forty-two years and undoubtedly will do more foolish things in the next two years, but in no case can we blame our foolishness on the way that the bills were read. Roy adds color and interest to our proceedings and I urge his continued service as our Reading Clerk."

The President recognizes Senator Reeves of Wake County who seconds the nomination and offers the following remarks:

"Thank you, Madame President. Ladies and gentlemen of the Senate, I rise to second the nomination and to move that the nominations be closed and that the nomination be accepted by acclamation."

The motion offered by Senator Reeves that the nominations be closed and that LeRoy Clark, Jr. be elected Reading Clerk of the 2001-2002 Senate by acclamation prevails. The President declares LeRoy Clark duly elected and appoints Senator Carter and Senator Martin of Guilford to escort the Reading Clerk-elect to the Well of the Senate. Senator Carter is recognized and presents the Reading Clerk-elect, LeRoy Clark. The Honorable Willis P. Wichard, Associate Justice (Ret.) of the Supreme Court of North Carolina, administers the prescribed Oath of Office.

The President declares the floor open to receive nominations for the Office of Sergeant-at-Arms. The President recognizes Senator Rand of Cumberland who offers the following nomination and remarks:

"Thank you very much, Madame President, ladies and gentlemen of the Senate. It is my pleasure today to place in nomination the name of Cecil Goins as Sergeant-at-Arms for the Senate for the 2001-2002 biennium. Mr. Goins is a native of Moore County. He attended and graduated from North Carolina A&T State University. He served as a commissioned officer with the First Infantry Division in Europe and in this country, and then embarked upon a career with the United States Marshal Service where he served for twenty-five years in many different positions and many different areas of responsibility all across our country. He impressed me during those years. I had the opportunity to represent some people who by some misdirected sense had violated the laws of the United States, and Cecil was always the sort of person in court that you saw that treated everyone fairly. He treated everyone in the way that you'd want to be treated if you had the occasion to run afoul of the laws of our great nation. But he was always there, he was always the sort of person who acquitted himself of his responsibilities in a very serious way. He is married to Laverne, who recently retired from the Wake County School

System. They have two daughters Carol, who is an attorney in Asheville, and Wanda, who is a college professor in Virginia. When one looks at Cecil's lifetime, it is a lifetime of service and of protecting society. I think for the last five terms he has done the Senate a splendid job as Sergeant-at-Arms. He has, I think, tried to work with each of us, tried to make our day more pleasant and our life a little more secure. So, Madame President, it is with great pleasure that I submit the name of Cecil Goins for the position of Sergeant-at-Arms.

The President recognizes Senator Ballance of Warren County who seconds the nomination and offers the following remarks:

"Ladies and Gentlemen of the Senate, Cecil Goins is a friend to all. Beyond that, he knows all of the rules and he knows the proper protocol. It is my honor to second the nomination. Madame President, I would move that the nomination be accepted by acclamation."

The motion by Senator Ballance that the nominations be closed and that Cecil Goins be elected Sergeant-at-Arms of the 2001-2002 Senate by acclamation prevails. The President declares Cecil Goins duly elected and appoints Senator Forrester, Senator Martin of Guilford, Senator Plyler, and Senator Soles to escort the Sergeant-at-Arms-elect, Cecil Goins, to the Well of the Senate. Senator Soles is recognized and presents the Sergeant-at-Arms-elect, Cecil Goins. The Honorable James A. Wynn, Jr., Judge, North Carolina Court of Appeals, administers the prescribed Oath of Office and the Chair directs the Sergeant-at-Arms to assume his seat.

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-2808

The Honorable Beverly Eaves Perdue
President of the Senate
629 Legislative Office Building
Raleigh, North Carolina 27601-2808

Dear President Perdue:

This is to advise you that the Senate Democratic Caucus met on November 14, 2000, with twenty-nine members present and nominated the following officers for the 2001 Session of the General Assembly:

President *Pro Tempore* - Senator Marc Basnight
Deputy President *Pro Tempore* - Senator Frank Ballance
Permanent Chairman - Senator R. C. Soles
Majority Leader - Senator Tony Rand
Majority Whip - Senator Luther Jordan
Caucus Secretary - Senator Jeanne Lucas
Principal Clerk - Ms. Janet Pruitt

Reading Clerk - Mr. LeRoy Clark, Jr.
Sergeant-at-Arms - Mr. Cecil Goins

Sincerely,
S/ Senator Jeanne Lucas
Secretary -- Democratic Caucus

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh, NC 27601-2808

MEMORANDUM

To: Janet Pruitt January 18, 2001
Senate Principal Clerk

From: Patrick J. Ballantine

Please be advised that the officials elected at the Senate Republican Caucus for the 2001-2002 Session are as follows:

Senate Minority Leader - Patrick J. Ballantine

Senate Minority Whip - James S. Forrester, M.D.

REMARKS BY THE LIEUTENANT GOVERNOR

The President of the Senate, The Honorable Beverly E. Perdue, offers the following remarks:

"If you'll allow me just a very brief privilege, I promise ya'll -- I know it has been a long day. Members of the Senate and all of you distinguished guests, I take great happiness and honor in welcoming you to this 144th opening of the North Carolina General Assembly. It's really great to see the five new Senators and I look forward to getting to know you and to working with you. I am truly honored to be a part of this session. I come into this office with a history in this body with the highest respect for so many of you, each of you that I've worked with before. Your past accomplishments and the leadership of my friend, and the President *Pro Tempore,* Marc Basnight, has served North Carolina so well. Everybody in the State knows that when there is a hard job to be done you get the North Carolina Senate to do it, and I congratulate you for that. This Senate has given me ten of the best years of my life. Now I return to this Chamber in a different way, back with friends and folks that I think of as actual family to continue to work with you, for you, however, for the people of North Carolina.

"You know, our opportunities to do good are great, but the resources are limited. Aaron, I'm glad I'm not Appropriations Co-Chair this year. Ya'll are going to have a really tough time with all the members of the Senate. Tough decisions are needed for the tough questions that lie ahead -- tough decisions that require a united North Carolina, and a united General Assembly. Our challenge, I believe, today is to sustain within this Chamber, and within the House, working with Speaker Black's leadership, a cooperative working relationship so that we can all best serve the interests of the people who elected

us, and work for the people of the State. And in challenging times, I know that you all realize we've got to ask everybody for more. We have to ask more from our students, and our teachers, and our parents. Increase the accountability and productivity from kindergarten through the university system. We have to ask more of our state and our local employees. Our state employees are expected at this time to have an even higher level of excellence in their performance from the people's workforce. We have to ask more from the private sector. We can't afford, as Senator Basnight so eloquently talked, to have two North Carolinas -- a poor one and a thriving one. And we have to ask more from all of the eight million people of this great State, and in doing so I know that we all realize that this is a two-way street, that as elected government leaders we must demand more from ourselves. That means putting the highest premium on joining together, getting the job done for the people on many issues, but if you will allow me, especially on excellent schools, specifically on maximizing the technology investment in education, on an economy that works for all hundred of our counties, and on reducing the cost of prescription drugs for our older citizens. Even in times of tremendous budget constraints, the state has to keep moving forward for our people. You all wouldn't be here today if you weren't committed to that. It's about our future. Let's get the job done for the people of North Carolina. You know, I'm ready to work with you. More often than not I understand my role -- that I will be working for you to keep North Carolina moving for the people of this marvelous state that we call home -- The Old Tar Heel State. Thank you for allowing me this opportunity."

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
January 24, 2001

Madame President:

It is ordered that a message be sent to the Senate informing your Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business and has elected the following officers:

Speaker:	James B. Black
Speaker Pro Tempore:	Joe Hackney
Principal Clerk:	Denise G. Weeks

And pursuant to House Rule 45(c), the Speaker has appointed:

Sergeant-at-Arms:	Robert B. Samuels
Chaplain:	Reverend Michael Frese

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

Majority Leader:	Phillip A. Baddour, Jr.
Majority Whips:	Andrew T. Dedmon and Beverly M. Earle

Minority Leader: N. Leo Daughtry
Minority Whip: W. Franklin Mitchell

Respectfully,
S/Denise Weeks
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the business of the First Regular Session of the 2001 General Assembly.

The President orders a message sent to the Governor informing him that the Senate is organized and ready to proceed with the business of the First Regular Session of the 2001 General Assembly.

REPORT TO GENERAL ASSEMBLY

A Committee directed to report to the General Assembly submits a report which is ordered placed on file in the Legislative Library, as follows (*See Appendix.*):

The Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities and Substance Abuse Services submits the Interim Report to the General Assembly of North Carolina, 2001 Regular Session.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 2:17 P.M. to meet tomorrow, Thursday, January 25, at 9:00 A.M.

SECOND DAY

Senate Chamber
Thursday, January 25, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, yesterday in Senator Basnight's speech, he outlined some difficult issues to be dealt with during this session. He was realistic yet hopeful.

"Using that same theme, if we could pen some sort of mutual statement of understanding with You at the very outset of this session -- a kind of confession of faith that we may use to call on You both corporately and individually for encouragement, it might read something like this:

" 'Oh God, You sometimes do less than we hope but you always do more than we know.' Thanks be to God! Amen."

Quote: Charles Poole, Northminster Baptist Church, 1999

The Chair grants a leave of absence for today to Senator Kinnaird.

Senator Basnight, President *Pro Tempore,* announces the Journal of yesterday, Wednesday, January 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Penny Faulkner from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

EXECUTIVE ORDERS

The following Executive Orders received from Governor James B. Hunt Jr. after adjournment of the 1999 General Assembly, on Thursday, July 13, 2000, are presented to the Senate, read, and ordered filed in the Office of the Senate Principal Clerk, as follows (*See Appendix*.):

Executive Order Number 173, Implementation of the Interim North Carolina Emergency Operations Plan Dated July 2000.

Executive Order Number 174, Extending Executive Order Number 48.

Executive Order Number 175, Extending Executive Order Number 157.

Executive Order Number 176, Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles May Drive.

Executive Order Number 177, Emergency Relief for the State of Arkansas.

Executive Order Number 178, Suspension of Rules and Regulations Limiting the Hours Operators of Commercial Vehicles May Drive.

Executive Order Number 179, Extending Executive Order Number 88.

Executive Orders received from Governor Michael F. Easley are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows *(See Appendix.)*:

Executive Order Number 1, The North Carolina Board of Ethics.

Executive Order Number 2, Extending Executive Orders Nos. 176 and 178 Issued by Governor James B. Hunt, Jr.

RESOLUTIONS FROM ANOTHER STATE

The following resolutions received from another State after adjournment of the 1999 General Assembly on Thursday, July 13, 2000, is presented to the Senate and ordered filed in the Office of the Principal Clerk (*See Appendix*.):

Commonwealth of Virginia -- House Joint Resolution No. 284, Memorializing the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks.

Commonwealth of Virginia -- House Joint Resolution No. 310, Memorializing the Congress of the United States to amend the Fair Credit Reporting Act to prohibit credit

reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating.

2001-2002 COMMITTEES

Pursuant to Senate Rules 31 and 32, Senator Basnight, President *Pro Tempore*, announces the following Committees, Committee Chairs, and committee members for the 2001-2002 Session:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Chair:	Senator Albertson
Vice-Chairs:	Senator Gulley
	Senator Horton
	Senator Robinson
	Senator Wellons
Ranking Minority:	Senator Hartsell
Members:	Senators Bingham, Clodfelter, Cunningham, Garwood, Harris, Kinnaird, Martin of Guilford, Miller, Odom, Thomas, Webster, and Weinstein

APPROPRIATIONS / BASE BUDGET

Co-Chairs:	Senator Lee
	Senator Plyler
	Senator Odom
Vice-Chairs:	Senator Allran
	Senator Forrester
	Senator Rand
Members:	Senators Albertson, Ballance, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Swindell, Thomas, Warren, Weinstein, and Wellons

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION

Senior Chair:	Senator Dalton
Co-Chairs:	Senator Garrou
	Senator Lucas
Vice-Chair:	Senator Carter
Ranking Minority:	Senator Hartsell
Members:	Senator Cunningham
	Senator Garwood
	Senator Wellons

APPROPRIATIONS ON GENERAL GOVERNMENT

Chair:	Senator Warren
Vice-Chair:	Senator Harris
Ranking Minority:	Senator Allran
Member:	Senator Kinnaird

APPROPRIATIONS ON HEALTH & HUMAN SERVICES

Chair:	Senator Martin of Guilford
Vice-Chair:	Senator Dannelly
Ranking Minority:	Senator Forrester
Members:	Senators Kerr, Moore, and Purcell

APPROPRIATIONS ON INFORMATION TECHNOLOGY

Chair:	Senator Reeves
Vice-Chair:	Senator Hagan
Ranking Minority:	Senator Foxx
Member:	Senator Miller

APPROPRIATIONS ON JUSTICE & PUBLIC SAFETY

Chair:	Senator Jordan
Vice-Chair:	Senator Ballance
Ranking Minority:	Senator Bingham
Members:	Senators Clodfelter, Rand, and Thomas

APPROPRIATIONS ON NATURAL & ECONOMIC RESOURCES

Chair:	Senator Martin of Pitt
Vice-Chair:	Senator Weinstein
Ranking Minority:	Senator Horton
Members:	Senators Albertson, Metcalf, and Swindell

APPROPRIATIONS ON TRANSPORTATION

Chair:	Senator Gulley
Vice-Chair:	Senator Shaw of Cumberland
Ranking Minority:	Senator Carpenter
Members:	Senators Berger, Hoyle, Robinson, and Rucho

CHILDREN & HUMAN RESOURCES

Chair:	Senator Kinnaird
Vice-Chairs:	Senator Dannelly
	Senator Lucas
	Senator Martin of Guilford
	Senator Purcell
Ranking Minority:	Senator Forrester
Members:	Senators Allran, Bingham, Foxx, Hagan, Harris, Kerr, Moore, Warren, and Wellons

COMMERCE

Chair:	Senator Soles
Vice-Chairs:	Senator Ballantine
	Senator Hoyle
	Senator Lee
	Senator Warren
Ranking Minority:	Senator Carpenter
Members:	Senators Ballance, Carter, Dalton, Forrester, Foxx, Garrou, Hagan, Jordan, Kerr, Metcalf, Moore, Plyler, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, and Swindell

EDUCATION/HIGHER EDUCATION

Senior Chair:	Senator Dalton
Co-Chairs:	Senator Carter
	Senator Lucas
Vice-Chairs:	Senator Dannelly
	Senator Garrou

	Senator Hartsell
	Senator Hoyle
	Senator Lee
	Senator Warren
Ranking Minority:	Senator Allran
Members:	Senators Bingham, Cunningham, Forrester, Foxx, Garwood, Gulley, Hagan, Horton, Martin of Guilford, Purcell, Robinson, Rucho, Swindell, and Thomas

FINANCE

Chair:	Senator Hoyle
	Senator Kerr
Vice-Chairs:	Senator Clodfelter
	Senator Shaw of Guilford
	Senator Soles
	Senator Weinstein
Ranking Minority:	Senator Allran
Members:	Senators Albertson, Ballantine, Carrington, Dalton, Dannelly, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Lee, Miller, Metcalf, Moore, Purcell, Rand, Reeves, Rucho, Shaw of Cumberland, Swindell, Webster, and Wellons

HEALTH CARE

Chair:	Senator Purcell
Vice-Chairs:	Senator Lucas
	Senator Martin of Guilford
Ranking Minority:	Senator Rucho
Members:	Senators Dannelly, Forrester, Garwood, Hagan, Hartsell, Miller, Moore, Robinson, and Warren

INFORMATION TECHNOLOGY

Chair:	Senator Reeves
Vice-Chairs:	Senator Garrou
	Senator Rand
	Senator Shaw of Cumberland
Ranking Minority:	Senator Horton
Members:	Senators Allran, Carter, Clodfelter, Foxx, Gulley, Hoyle, and Lee

INSURANCE AND CONSUMER PROTECTION

Chair:	Senator Wellons
Vice-Chairs:	Senator Harris
	Senator Martin of Pitt
	Senator Reeves
	Senator Soles
Ranking Minority:	Senator Ballantine
Members:	Senators Ballance, Carpenter, Clodfelter, Cunningham, Forrester, Garrou, Hagan, Hartsell, Hoyle, Jordan, Miller, Metcalf, Purcell, Shaw of Guilford, Webster, and Weinstein

JUDICIARY I

Chair:	Senator Clodfelter
Vice-Chairs:	Senator Cunningham
	Senator Hartsell
	Senator Soles
Ranking Minority:	Senator Carpenter
Members:	Senators Albertson, Allran, Ballantine, Berger, Carter, Gulley, Horton, Hoyle, Lucas, Metcalf, Rand, and Wellons

JUDICIARY II

Chair:	Senator Hagan
Vice-Chairs:	Senator Ballance
	Senator Dalton
	Senator Miller
	Senator Odom
	Senator Thomas
Ranking Minority:	Senator Shaw of Guilford
Members:	Senators Bingham, Forrester, Kerr, Kinnaird, Lee, Martin of Guilford, Moore, Robinson, and Rucho

PENSIONS & RETIREMENT AND AGING

Chair:	Senator Harris
Vice-Chair:	Senator Kinnaird
	Senator Shaw of Cumberland
Ranking Minority:	Senator Moore
Members:	Senators Albertson, Berger, Carpenter, Jordan, Odom, Plyler, Shaw of Guilford, and Weinstein

REDISTRICTING

Senior Chair:	Senator Miller
Co-Chairs:	Senator Ballance
	Senator Metcalf
Vice-Chairs:	Senator Hagan
	Senator Martin of Guilford
	Senator Wellons
Ranking Minority:	Senator Ballantine
Members:	Senators Albertson, Carrington, Clodfelter, Dannelly, Forrester, Foxx, Gulley, Harris, Hartsell, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Pitt, Moore, Odom, Plyler, Rand, Robinson, Shaw of Cumberland, Soles, Thomas, and Warren

RURAL DEVELOPMENT

Co-Chairs:	Senator Metcalf
	Senator Weinstein
Vice-Chairs:	Senator Albertson
	Senator Ballance
	Senator Swindell
Ranking Minority:	Senator Berger

Members: Senators Bingham, Carpenter, Carter, Cunningham, Dalton, Harris, Jordan, Kerr, Kinnaird, Martin of Pitt, Thomas, and Wellons

RULES AND OPERATIONS OF THE SENATE

Chair: Senator Rand
Vice-Chairs: Senator Carrington
Senator Gulley
Senator Metcalf
Ranking Minority: Senator Forrester
Members: Senators Albertson, Dalton, Horton, Hoyle, Jordan, Kinnaird, Martin of Pitt, Plyler, Rucho, Soles, and Swindell

STATE AND LOCAL GOVERNMENT

Chair: Senator Robinson
Vice-Chairs: Senator Jordan
Senator Miller
Ranking Minority: Senator Webster
Members: Senators Albertson, Ballance, Clodfelter, Garwood, Hartsell, Horton, and Soles

TRANSPORTATION

Chair: Senator Shaw of Cumberland
Vice-Chairs: Senator Carpenter
Senator Gulley
Senator Lee
Ranking Minority: Senator Garwood
Members: Senators Berger, Carrington, Carter, Cunningham, Garrou, Hoyle, Martin of Pitt, Odom, Plyler, Rand, Rucho, Shaw of Guilford, Swindell, and Thomas

WAYS & MEANS

Chair: Senator Dannelly
Vice-Chairs: Senator Lucas
Senator Kerr
Ranking Minority: Senator Allran
Members: Senators Albertson, Ballance, Ballantine, Berger, Carrington, Hoyle, Lee, Martin of Pitt, Odom, Plyler, Robinson, Swindell, Warren, Webster, and Weinstein

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand; Albertson, Allran, Ballance, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles,

Swindell, Thomas, Warren, Webster and Weinstein:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, AND TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senators Rand; Albertson, Forrester, Foxx, Harris, Hoyle, Metcalf and Odom:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senators Albertson; Ballance, Berger, Carpenter, Dalton, Dannelly, Forrester, Garwood, Gulley, Harris, Hartsell, Hoyle, Kerr, Lucas, Martin of Guilford, Martin of Pitt, Moore, Odom, Rand, Shaw of Guilford and Warren:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO FURTHER RESTRICT THE HOUR THAT A TELEPHONE SOLICITOR MAY INITIATE A CALL TO A RESIDENTIAL TELEPHONE SUBSCRIBER.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senators Allran; Berger, Bingham, Carpenter, Clodfelter, Forrester, Foxx, Garwood, Harris, Hartsell, Hoyle, Lucas, Metcalf, Moore, Odom, Plyler, Rand, Rucho, Shaw of Guilford, Warren, Webster and Weinstein:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO MAKE NORTH CAROLINA CLEAN AGAIN.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senator Jordan:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DOMESTIC VIOLENCE COMMISSION TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senator Jordan:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senators Gulley; Albertson, Clodfelter, Cunningham, Hoyle, Metcalf, Plyler and Rand:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO CONTROL THE FLOW OF NATIONAL PARTY POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senators Gulley; Clodfelter, Hartsell, Hoyle, Metcalf and Plyler:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senator Gulley:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE BALLOT ACCESS LAWS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

By Senator Gulley:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE ELECTION LAWS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Marlena Joe Bullion, Sanford; William Cox, Raleigh; Rachel L. Garner, Wake Forest; Rebecca L. Garner, Wake Forest; Stephen Bradley Garner, Wake Forest; Erica D. Grant, Raleigh; Jonathan Wade Hodges, Raleigh; Carrie Nimmo, Wake Forest; Jamie Pearce, Wake Forest; Christopher Andrew Sawyer, Washington; Jake Stockwell, Raleigh; and Samuel James Woolard, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 9:32 A.M. to meet Monday, January 29, at 7:00 P.M.

THIRD DAY

Senate Chamber
Monday, January 29, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, there seems to be no biblical precedent for some of our cultural

peculiarities such as boot camp, or rookie camp, or freshman athletes having to carry the tote bags of their senior teammates. It appears that for newcomers to the faith, just being in your presence, O God, was humbling enough.

"Even so, we pray tonight for first-time Senators Bingham, Berger, Cunningham, Swindell and Thomas for whom this experience may be both humbling and a little overwhelming. May the senior Senators serve as worthy mentors. May the enthusiasm that the new Senators bring to this place be energizing to all and may their enthusiasm be rewarded -- even on the days when they feel like they're carrying single-handedly all their colleagues briefcases. Thank you for hearing our prayer, O God. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Carter, Senator Garwood, Senator Harris, and Senator Hoyle.

Senator Basnight, President *Pro Tempore,* announces that the Journal of Thursday, January 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. James Alexander Bryan II from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Gale Adcock from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

COMMITTEE REFERRALS

Bills and a resolution ordered held in the Office of the Principal Clerk on January 25, pending referral, are referred to committee as follows:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, AND TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

Referred to **Judiciary I Committee**.

S.B. 3, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES.

Referred to **Finance Committee**.

S.B. 4, A BILL TO BE ENTITLED AN ACT TO FURTHER RESTRICT THE HOUR THAT A TELEPHONE SOLICITOR MAY INITIATE A CALL TO A RESIDENTIAL TELEPHONE SUBSCRIBER.

Referred to **Insurance and Consumer Protection Committee**.

S.B. 5, A BILL TO BE ENTITLED AN ACT TO MAKE NORTH CAROLINA CLEAN AGAIN.

Referred to **Judiciary II Committee**.

S.B. 6, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DOMESTIC VIOLENCE COMMISSION TO THE DEPARTMENT OF CRIME CONTROL AND

PUBLIC SAFETY.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Referred to **Judiciary II Committee**.

S.B. 8, A BILL TO BE ENTITLED AN ACT TO CONTROL THE FLOW OF NATIONAL PARTY POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA.

Referred to **Judiciary I Committee**.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 10, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE BALLOT ACCESS LAWS.

Referred to **Judiciary I Committee**.

S.B. 11, A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE ELECTION LAWS.

Referred to **Judiciary I Committee**.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hartsell, Hagan; and Carpenter:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO USE ANNUAL POPULATION ESTIMATES RATHER THAN THE DECENNIAL CENSUS WHEN DETERMINING ELIGIBILITY FOR INCORPORATION OF NEW MUNICIPALITIES WHICH ARE IN PROXIMITY TO EXISTING MUNICIPALITIES.

Referred to **Judiciary II Committee**.

By Senators Purcell; Albertson, Allran, Ballantine, Carpenter, Carter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Reeves, Robinson, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 13, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PREVENTION OF BIRTH DEFECTS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 14, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163, AS RECOMMENDED BY THE ELECTION LAWS

REVISION COMMISSION.
Referred to **Judiciary I Committee**.

By Senators Reeves; Carter and Metcalf:
S.B. 15, A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.
Referred to **Judiciary II Committee**.

By Senator Gulley:
S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING THAT ALL ELECTIONS BE CONDUCTED BY COUNTY BOARDS OF ELECTIONS.
Referred to **Judiciary I Committee**.

By Senator Gulley:
S.B. 17, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION.
Referred to **Judiciary I Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Brandon Mitchell Bridges, Fuquay-Varina; Ashley Hart Butler, Suffolk, Virginia; Monique B. Cooper, Garner; William Cox, Raleigh; Stephen Bradley Garner, Wake Forest; Rebecca L. Garner, Wake Forest; Rachel L. Garner, Wake Forest; Gillian Kay Habeger, Hertford; Carrie Nimmo, Wake Forest; Jamie Pearce, Wake Forest; Shukirryyah Courtney Pettiford, Clayton; Antwon Rivera, Raleigh; Christopher Andrew Sawyer, Washington; Whitney Scarborough, Polkton; Prince Shipman, Seven Springs; Laurel West, Boone; and Mary Wilson, Shelby.

CHANGES TO 2001 SENATE COMMITTEES

Senator Basnight, President *Pro Tempore,* announces the following changes to Senate Committees:

Senator Clodfelter is removed from the **Insurance and Consumer Protection Committee**
Senator Rand is appointed to the **Insurance and Consumer Protection Committee**.
Senator Lucas is appointed to the **Agriculture/Environment/Natural Resources Committee**.
Senator Berger is appointed to the **Commerce Committee**.
Senator Hagan is removed from the **Health Care Committee** and appointed to the **Information Technology Committee**.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 7:17 P.M. to meet tomorrow, Tuesday, January 30, at 1:30 P.M.

FOURTH DAY

Senate Chamber
Tuesday, January 30, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"As the session progresses, O Lord, we confess that we may sometimes come to this time of prayer distracted by all that is going on around us, possibly even with little or no expectancy.

"Make us aware of the tremendous power we are addressing and of the desire you have to destroy the thin walls that divide us from yourself.

"How radical a thing it is to truly pray and how seldom we really do it. Teach us to wait before You with our open hearts, minds, and wills ready to be made Yours, so that this time is never dull, or routine, or without event. In Your holy name we pray, Amen."

The President of the Senate extends courtesies of the floor to Dr. Donald Alwin Nisbett from Laurinburg, North Carolina, who is serving the Senate as Doctor of the Day, and to Ed Kirkpatrick from Kinston, North Carolina, who is serving the Senate as Nurse of the Day.

With unanimous consent, the President grants a leave of absence for today to Senator Carter.

Senator Basnight, President *Pro Tempore,* announces that the Journal of yesterday, Monday, January 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHANGES TO 2001 SENATE COMMITTEES

Senator Basnight, President *Pro Tempore*, announces the following changes to Senate Committees:

Senator Shaw of Cumberland is removed from the **Commerce Committee**, the **Pensions and Retirement and Aging Committee**, and the **Information Technology Committee**.

Senator Shaw of Cumberland is appointed to the **Committee on Agriculture/Environment/Natural Resources**.

Senator Soles is appointed to the **Information Technology Committee**.

Senator Webster is appointed to the **Judiciary II Committee**.

INTRODUCTION OF BILLS

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Carpenter:

S.B. 18, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM ENCOURAGING INSURANCE CLAIMANTS TO OBTAIN

MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Plyler and Purcell:
S.J.R. 19, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell; Plyler and Weinstein:
S.B. 20, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN INVESTIGATIONAL ASSISTANT IN PROSECUTORIAL DISTRICT 16A.
Referred to **Appropriations/Base Budget Committee**.

By Senators Wellons; Allran, Ballance, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Harris, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Purcell, Robinson and Weinstein:
S.B. 21, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MANAGED CARE ENTITY PROVIDING A HEALTH BENEFIT PLAN IS LIABLE FOR DAMAGES FOR HARM TO ITS INSUREDS OR ENROLLED CAUSED BY THE MANAGED CARE ENTITY'S FAILURE TO EXERCISE ORDINARY CARE AND TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF APPEALS OF NONCERTIFICATION DECISIONS AND SECOND LEVEL GRIEVANCE REVIEW DECISIONS MADE BY THE INSURER OR MANAGED CARE PLAN AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAW ON UTILIZATION REVIEW AND GRIEVANCES.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Purcell; Carpenter, Forrester, Foxx, Garrou, Kinnaird, Lucas, Metcalf, Robinson, Warren, Weinstein and Wellons:
S.B. 22, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OSTEOPOROSIS AWARENESS AND EDUCATION ACTIVITIES.
Referred to **Appropriations/Base Budget Committee**.

ADDITIONAL SPONSOR

Senator Allran requests to be added as a sponsor of previously introduced legislation:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO FURTHER RESTRICT THE HOUR THAT A TELEPHONE SOLICITOR MAY INITIATE A CALL TO A RESIDENTIAL TELEPHONE SUBSCRIBER.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 1:45 P.M. to meet tomorrow, Wednesday, January 31, at 3:00 P.M.

FIFTH DAY

Senate Chamber
Wednesday, January 31, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, watching the evening news, one only has to look into the hollow, hopeless eyes of the earthquake survivors in India to be reminded that the world in which we live has grown so small. And when your creation cries out in pain, we see and hear their hurt as if we were there. Sometimes our prayers must reach beyond the walls of this Senate Chamber and the geographic boundaries of our state in behalf of devastated people like those in India.

"Increase the spirit of neighborliness among us, O God, that in such a catastrophe we may uphold the hurting, in such suffering tend to them, in such homelessness, loneliness, and exile befriend them. You have blessed us; help us to bless others. For Your sake, Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Hagan.

Senator Basnight, President *Pro Tempore,* announces that the Journal of yesterday, Tuesday, January 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Amer Adam from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Kathy Ritch from Jamestown, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF A BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Horton; Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Moore, Rucho, Shaw of Guilford and Webster:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

Referred to **Education/Higher Education Committee**.

ADDITIONAL SPONSOR

Senator Gulley requests to be added as a sponsor of previously introduced legislation:

S.B. 21, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MANAGED CARE ENTITY PROVIDING A HEALTH BENEFIT PLAN IS LIABLE FOR DAMAGES FOR HARM TO ITS INSUREDS OR ENROLLED CAUSED BY THE MANAGED CARE ENTITY'S FAILURE TO EXERCISE ORDINARY CARE AND TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF

EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF APPEALS OF NONCERTIFICATION DECISIONS AND SECOND LEVEL GRIEVANCE REVIEW DECISIONS MADE BY THE INSURER OR MANAGED CARE PLAN AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAW ON UTILIZATION REVIEW AND GRIEVANCES.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 3:24 P.M. to meet tomorrow, Thursday, February 1, at 9:00 A.M.

SIXTH DAY

Senate Chamber
Thursday, February 1, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, some things are best set straight right from the beginning. We can never deceive you though we may sometimes deceive ourselves. We should not devise our own plans, draft our own schemes, and then ask you to bless them, knowing there are some things you will not and cannot bless. Unless your blessing accompanies what we do, we waste our time.

"Guide us in what we propose, so that you can bless us in what we produce. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Forrester, Senator Gulley, and Senator Moore.

Senator Basnight, President *Pro Tempore,* announces that the Journal of yesterday, Wednesday, January 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles Frederick Willson from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Frank Moore, from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Odom:

S.B. 24, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM.

Referred to **State and Local Government Committee**.

By Senators Jordan; Albertson, Harris, Hoyle, Martin of Pitt, Odom, Plyler, Purcell, Rand, Swindell and Wellons:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES

Referred to **Finance Committee**.

By Senators Hoyle, Kerr; Albertson, Ballantine, Berger, Dalton, Dannelly, Gulley, Harris, Martin of Guilford, Martin of Pitt, Metcalf, Rand, Reeves, Soles and Warren:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE STUDY OF COMMISSION CONTRACTS FOR THE ISSUANCE OF MOTOR VEHICLE REGISTRATION PLATES AND CERTIFICATES

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE COMMISSION TO STUDY COMMISSION CONTRACTS FOR ISSUANCE OF MOTOR VEHICLE REGISTRATION PLATES AND CERTIFICATES TO INCREASE THE RATE PAID PER TRANSACTION TO COMMISSION CONTRACT AGENTS FOR THE ISSUANCE OF PLATES AND CERTIFICATES.

Referred to **Finance Committee**.

COMMITTEE REFERRAL RECALL

S.J.R. 19, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on Tuesday, January 20, 2001.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, February 6, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, February 6.

ADDITIONAL SPONSORS

Senator Swindell requests to be added as a sponsor of previously introduced legislation:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO MAKE NORTH CAROLINA CLEAN AGAIN.

Senator Hartsell requests to be added as a sponsor of previously introduced legislation:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

Upon motion of Senator Basnight, seconded by Senator Plyler, the Senate adjourns at 9:20 A.M. to meet Monday, February 5, at 7:00 P.M.

SEVENTH DAY

Senate Chamber
Monday, February 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Scripture tells us that in the wilderness, Satan tempted Jesus for the third and final time when he took him to a very high mountain, showed him all the kingdoms of the world, and said to him, 'All these I will give you, if you fall down and worship me.' Jesus replied, 'Worship the Lord your God and serve Him only!'

"Poet T. S. Eliot summarized the lesson learned from that scripture this way 'The last temptation is the greatest treason; to do the right deed for the wrong reason.' And so we learn, O God, that in decisions we face it's not just enough to do the right thing; the standard you set also compels us to do it for the right reason. Then we shall be at peace with You and ourselves. Amen."

The President of the Senate extends courtesies of the floor to Dr. Michael West Brennan from Burlington, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda Brown from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

The Chair grants a leave of absence for tonight to Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

RECOGNITION OF STUDENTS FROM THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATH

With unanimous consent, upon motion of Senator Hagan, the privileges of the floor are extended to three students from the North Carolina School of Science and Math: Christopher Clearfield of Greensboro; Charles Olbert of Asheville; Nikolas Williams of Raleigh; their teacher, Dr. Jonathan Keohane; and the Executive Director, Dr. Gerald Boarman. Senator Hagan, Senator Martin of Guilford, Senator Metcalf, and Senator Miller are appointed to escort them to the Well of the Senate.

Senator Hagan is recognized and commends the students for winning the Annual Siemens Westinghouse Science and Technology Competition, which includes a $103,000 scholarship the students will divide among themselves. The students won for their project entitled "Discovery of a Pulsar Bow-Shock Nebula in a Nearby Supernova Remnant".

The President recognizes the Committee to escort the guests from the Chamber. The guests depart to a standing ovation.

The President extends the courtesies of the gallery to other guests from the school of Science and Math.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Ballantine; Jordan and Soles:
S.B. 29, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE.
Referred to **Transportation Committee**.

By Senator Ballantine:
S.B. 30, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE SEA OATS IN CARTERET AND PENDER COUNTIES.
Referred to **Judiciary I Committee**.

By Senators Foxx; Ballantine, Berger, Bingham, Carpenter, Garwood, Hartsell, Horton, Rucho, Shaw of Guilford and Webster:
S.B. 31, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ESTABLISHMENT OF SINGLE-MEMBER DISTRICTS FOR ALL MEMBERS OF THE GENERAL ASSEMBLY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballantine:
S.B. 32, A BILL TO BE ENTITLED AN ACT TO INCLUDE BEACH NOURISHMENT AND BEACH MANAGEMENT PRACTICES AS PURPOSES FOR WHICH GRANTS MAY BE MADE FROM THE CLEAN WATER MANAGEMENT TRUST FUND.
Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Odom:
S.B. 33, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:
S.B. 34, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:
S.B. 35, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MECKLENBURG COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:
S.B. 36, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF CHARLOTTE.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:
S.B. 37, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE TOWN OF CORNELIUS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:
S.B. 38, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE TOWN OF DAVIDSON.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:
S.B. 39, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE TOWN OF HUNTERSVILLE.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Plyler:
S.B. 40, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Plyler:
S.B. 41, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Plyler:
S.B. 42, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Warren:
S.B. 43, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR A NEW BLACKBEARD HISTORICAL MUSEUM IN THE TOWN OF BATH.
Referred to **Appropriations/Base Budget Committee**.

By Senators Dalton, Lucas, Carter; and Rand:
S.B. 44, A BILL TO BE ENTITLED AN ACT TO REFORM CIVIL LIABILITY PROCEDURES AND STANDARDS IN PUBLIC EDUCATION.
Referred to **Education/Higher Education Committee**.

ADDITIONAL SPONSOR

Senator Foxx requests to be added as a sponsor of previously introduced legislation:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Lamar G. Boyd, Raleigh; Crystal Clark, Wendell; C. Tyler Cloninger, Dallas; Anne B. Furr, Gastonia; Alexis Gregori Hare, Pikeville; Jonathan Wade Hodges, Raleigh; James Vinson Hunter, Hillsborough; Jessica McConnell, Hillsborough; Samuel Walton Ange Moore, Winterville; Maggie Stewart, Summerfield; Kelley Stewart, Summerfield; and Pia Gabriella Williams, Knightdale.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 7:30 P.M. to meet tomorrow, Tuesday, February 6, at 1:30 P.M.

EIGHTH DAY

Senate Chamber
Tuesday, February 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"One thing I've learned about congregations, O God -- some people are kind, polite and sweet-spirited -- until they find you sitting in their favorite pew.

"There are no pews in the Senate, but there will be days when the aisles between the seats aren't wide enough. Disagreements will occur; problems will need to be worked out. On the other hand, there will be times when self-sacrifice, kindness and consideration are expressed.

"When you spend a long time with people, you experience them at their best and their worst. May the best prevail. Amen."

The President of the Senate extends courtesies of the floor to Dr. Maryanne W. Lindsay from Mount Airy, North Carolina, who is serving the Senate as Doctor of the Day, and to Sue Hohenhaus from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Wellons:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION OF PUBLIC SCHOOL BUSES.

Referred to **Judiciary I Committee**.

By Senators Plyler and Purcell:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 47, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MONTGOMERY COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 48, A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL LAWS IN THE 17TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 49, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR SCOTLAND COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 50, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR RICHMOND COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 51, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR STANLY COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 52, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR ANSON COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:
S.B. 53, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR HOKE COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 54, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MOORE COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 55, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE TOWN OF PITTSBORO.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 56, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE TOWN OF SILER CITY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 57, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION

FOR THE TOWN OF CHAPEL HILL.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 58, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR ORANGE COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 59, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR CHATHAM COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 60, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE TOWN OF HILLSBOROUGH.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:
S.B. 61, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Wellons, Harris and Dannelly:
S.B. 62, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR MANAGED CARE PROVIDER DIRECTORIES.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Wellons, Harris and Dannelly:
S.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO DISCLOSE PAYMENT OBLIGATIONS FOR COVERED SERVICES.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Wellons, Harris and Dannelly:
S.B. 64, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANAGED CARE OMBUDSMAN PROGRAM WITHIN THE DEPARTMENT OF INSURANCE.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Wellons, Harris and Dannelly:
S.B. 65, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CONTINUITY OF CARE IN HMO PLANS.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Wellons, Harris, Dannelly; and Dalton:
S.B. 66, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HEALTH BENEFIT PLAN DISCLOSURE TO AND SUMMARY PLAN INFORMATION FOR PROSPECTIVE INSUREDS.
Referred to **Insurance and Consumer Protection Committee**.

By Senators Jordan; Ballance and Lee:
S.B. 67, A BILL TO BE ENTITLED AN ACT TO ALLOW THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO THE DEPARTMENT OF

JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO CHANGE THE NAME OF THAT COMMITTEE ACCORDINGLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.

Referred to **Judiciary I Committee**.

By Senators Jordan; and Ballance:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, AND TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTIONS FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.

Referred to **Judiciary I Committee**.

By Senators Cunningham; Albertson, Ballance, Bingham, Carter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Horton, Hoyle, Jordan, Kinnaird, Plyler, Purcell, Rand, Robinson, Soles, Swindell, Thomas, Weinstein and Wellons:

S.B. 69, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FARMLAND PRESERVATION TRUST FUND.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lee; Carter, Clodfelter, Dalton, Gulley, Jordan and Kinnaird:

S.B. 70, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

Referred to **Judiciary II Committee**.

By Senators Carter; Albertson, Cunningham, Dalton, Garrou, Gulley, Harris, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Rand and Robinson:

S.B. 71, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

Referred to **Education/Higher Education Committee**.

By Senators Purcell, Rand; Albertson, Carpenter, Carter, Dannelly, Forrester, Gulley, Kinnaird, Lucas, Robinson and Warren:

S.B. 72, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT PEDIATRIC CANCER PROGRAMS.

Referred to **Appropriations/Base Budget Committee**.

CALENDAR

A resolution on today's Calendar is taken up and disposed of, as follows:

S.J.R. 19, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY.

Upon motion of Senator Plyler, the joint resolution is read in its entirety.

Upon motion by Senator Foxx, the remarks of the members honoring the Town of

Biscoe, are spread upon the Journal, as follows:

Senator Plyler:

"Thank you, Madame President and members of the Senate, and our distinguished guests that are in the gallery. There's about fifty people there from Biscoe with their families, and I would ask at a later time that you would recognize those, Madame President. It's an honor for me to be here today along with Senator Purcell to present this Senate Joint Resolution honoring the one hundredth anniversary of a wonderful town in Montgomery County that we represent. Biscoe in its one hundred years has accomplished a tremendous amount. I know that the resolution says the Crossroads of America. That is absolutely the Crossroads of America because 24/27 runs east and west and the other highway runs north and south. So it is, and the railroad is right there, so it is a town that has been developing for many, many years. One of the things that distinguishes Biscoe is the geographical center of North Carolina, which is right between Biscoe and Star in Montgomery County, and there is a marker there to designate the center of North Carolina and we are proud to represent the area as the center of North Carolina.

"Recently, on the twenty-ninth of January, they had a big, big party, and I mean it was one of the biggest parties that had ever happened in the Town of Biscoe or any other town. Charlie Gaddy, who everyone knows here has been around for years but is not here today, was the master of ceremonies there because he is a native of Biscoe. And, of course, the special occasion was to honor the World War II veterans from Biscoe, and they had a big band. The sound of the war years was recreated by the North Carolina Jazz Orchestra. In the 1940's, Biscoe had an 846 population. The number of 205 of those 846 served in the military, and nine of those lost their lives in the line of duty. For eighteen years I have represented Biscoe and Montgomery County and it has always been a pleasure to meet with the people there. Senator Purcell and I, along with the Representatives, meet with them very often. We have a wonderful community college there. The Uwharrie Mountains, if you have not been to the Uwharrie Mountain area, you should visit there sometime during the early spring or summer or even in the fall and see the beauties of it. That is the oldest mountain range in America, I am told, and you have the Uwharrie River, the Uwharrie Lakes region there, which is just one more beautiful place in North Carolina. I've traveled through there, as I've mentioned, and it always makes me feel much better to stop in Biscoe and Montgomery County and visit with the people on my way to Raleigh. I have several ways to Raleigh but there is no prettier trip than the one when I travel through Montgomery County and see the Crossroads of America. I am real honored to have a part in presenting this Senate Joint Resolution to you, and I want again to congratulate the Mayor and all of the people who have made this possible for this centennial, and I wish them very, very many more years of good leadership, good government, and good scenery in the Town of Biscoe. So, Madame President, I do urge everyone to join in with us in voting for this Senate Joint Resolution honoring the Town of Biscoe on this one hundredth anniversary. Thank you."

Senator Purcell:

"I join Senator Plyler in congratulating the Town of Biscoe on this hundredth anniversary and welcoming all of the people from Biscoe who came here today, the elected officials. Some of you who live in large cities may have difficulty understanding how nice it is to live in a small town where you know everybody and everybody knows you, and they know all about you. And that may be a disadvantage to some of us, but you never go through more than one or two stoplights when you're going to the grocery store. You can always find a place to park and people even speak to each other when they walk down the street. Biscoe is one of those places in beautiful Montgomery County as Senator Plyler has said, and I hope that someday when you are traveling down Interstate 73/74

from Greensboro going to the beach or somewhere that you'll veer off the road a little bit and drive through Biscoe and see what life in small town America is really like. Once again, I want to congratulate the Town of Biscoe, and even though I know one of my Senate colleagues received a speeding ticket in Biscoe, I hope he is going to forget that and join all of us and vote for this resolution honoring the Town of Biscoe."

Senator Rucho:

"Many times I go back to my home in Matthews and I used to just use the interstate and then some good advice came for me to go south on Highway 1 and come 27/24 through Biscoe, and I will tell you that it is a real treat to be able to go through some beautiful towns, and Biscoe being one of them, along that stretch. By the way, I was not the one to receive the speeding ticket. Especially during the Christmas time, we had the chance to go through there and I actually had my family with me, and it is a real beautiful town and North Carolina is very proud of having Biscoe be part of it."

The Chair grants a leave of absence for the remainder of today's session to Senator Robinson.

The joint resolution passes its second (49-0) and third readings and is ordered, without objection, sent by special message to the House of Representatives.

Upon motion of Senator Plyler and Senator Purcell, the President extends the courtesies of the gallery to the Mayor of Biscoe, Montgomery County Commissioners, the Centennial Committee, and community leaders.

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 2:08 P.M. to meet tomorrow, Wednesday, February 7, at 1:30 P.M.

NINTH DAY

Senate Chamber
Wednesday, February 7, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, we confess that our prayers often contain repetitious words, not unheard by You but disappointing sometimes because of what we leave out. We're good at confession -- we always have some transgression to confess. We pray thankfully -- the good we encounter promotes thankful words. We even pray well for others and for ourselves like a respectful child petitioning a parent.

"But what we sometimes forget is how worthy You are of praise! Help us to praise you as generously as we praise each other. Almighty God, You are ever present in the world around us, the spirit within us, and the unseen world above us. Let us carry with us this day a real sense of your power and glory. Great are You Lord and greatly to be praised. Amen."

The Chair grants a leave of absence for today to Senator Horton.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Donald Edward Jablonski from Horseshoe, North Carolina, who is serving the Senate as Doctor of the Day, and to B. J. Ellender from Kernersville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.J.R. 19, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BISCOE ON THE TOWN'S CENTENNIAL ANNIVERSARY. (Res. 1)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:
S.B. 73, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:
S.B. 74, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:
S.B. 75, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:
S.B. 76, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:
S.B. 77, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:
S.B. 78, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 79, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 80, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 81, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 82, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 83, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 84, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Harris, Ballantine and Rand:

S.B. 85, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO CORROBORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE.

Referred to **Commerce Committee**.

By Senator Albertson:

S.B. 86, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Harris and Rand:

S.B. 87, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HARNETT AND CUMBERLAND COUNTIES TO LEVY ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL BUILDINGS AND PUBLIC SCHOOL CURRENT EXPENSES AND FOR WATER AND SEWER CAPITAL OUTLAY PROJECTS.

Referred to **Finance Committee**.

By Senator Albertson:

S.B. 88, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 89, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle; Albertson, Carpenter, Carter, Dalton, Dannelly, Forrester, Gulley, Hagan, Harris, Hartsell, Horton, Kinnaird, Martin of Pitt, Purcell, Rand, Robinson, Soles, Weinstein, and Wellons:

S.B. 90, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

Referred to **Transportation Committee**.

By Senator Hoyle:

S.B. 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GASTONIA TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

By Senators Rand; Dalton, Gulley, Kinnaird, Martin of Guilford, and Metcalf:

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

Referred to **Judiciary I Committee**.

By Senators Weinstein; Ballantine, Carpenter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Hagan, Harris, Hartsell, Hoyle, Jordan, Kinnaird, Lee, Lucas, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Thomas and Wellons:

S.B. 94, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A CONSTITUTIONAL AMENDMENT PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY BY MAKING NECESSARY STATUTORY CHANGES.

Referred to **Judiciary I Committee**.

By Senators Rand; Albertson, Allran, Berger, Bingham, Carrington, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Hartsell, Horton, Hoyle, Kinnaird, Lee, Metcalf,

Moore, Odom, Plyler, Purcell, Robinson, Rucho, Soles, Swindell, Warren, Weinstein and Wellons:

S.B. 95, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED FOR CERTAIN FELONIES AND STORED IN THE STATE DNA DATABASE, TO ESTABLISH PILOT PROGRAMS TO IMPLEMENT THIS PROCEDURE, AND TO PROVIDE THAT A DEFENDANT MAY FILE A MOTION FOR APPROPRIATE RELIEF AT ANY TIME AFTER A VERDICT IF DNA EVIDENCE IS AVAILABLE REGARDING THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED BUT THE DNA EVIDENCE WAS NOT ADMITTED INTO EVIDENCE AT THE TRIAL.

Referred to **Judiciary I Committee**.

By Senators Weinstein; Ballantine, Carpenter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Hagan, Harris, Hartsell, Hoyle, Jordan, Kinnaird, Lee, Lucas, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Thomas and Wellons:

S.B. 96, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

Referred to **Judiciary I Committee**.

By Senators Dannelly; Albertson, Ballance, Clodfelter, Jordan, Lucas, Martin of Guilford and Wellons:

S.B. 97, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF INSURANCE AND OTHER ENTITIES TO IMPLEMENT AN OUTREACH STRATEGY TO INFORM THE PUBLIC ABOUT LONG-TERM CARE FUNDING AND PAYMENT OPTIONS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Dannelly, Lucas, Moore, Wellons; Albertson, Clodfelter, Cunningham, Garrou, Gulley, Lee, Martin of Guilford, Warren and Weinstein:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

Referred to **Children & Human Resources Committee**.

By Senator Purcell:

S.B. 99, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Purcell:

S.B. 100, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Purcell:

S.B. 101, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Purcell:

S.B. 102, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

INTRODUCTION OF A RESOLUTION

Senator Dalton offers a motion that Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails by a two-thirds majority vote.

By Senators Dalton, Carter and Lucas:

S.R. 103, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Education/Higher Education Committee**.

ADDITIONAL SPONSOR

Senator Swindell requests to be added as a sponsor of previously introduced legislation:

S.B. 71, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

REPORT TO GENERAL ASSEMBLY

A Study Commission directed to report to the General Assembly submits a report which is ordered placed on file in the Legislative Library, as follows (*See Appendix.*):

The Legislative Study Commission on Disaster Response and Recovery submits an Interim Report to the 2001 Session of the General Assembly of North Carolina.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 1:46 P.M. to meet tomorrow, Thursday, February 8, at 10:00 A.M.

TENTH DAY

Senate Chamber
Thursday, February 8, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"The medical student was telling a classmate how much he had enjoyed a particular medical class. 'Dr. Jones is really a great teacher,' he said. 'More than that, he is a great

person. I listen to him, take him as a model for my own career, knowing he left a medical practice in which he could make a salary three or four times larger than he makes teaching us. That really tells you something about who he is.' *

"O God, teach us the virtue of negation, the joy of resisting what the world sees as valuable in order to walk a different road that leads to an even fuller life. Yes, sometimes we are, like the medical professor described in the story, known best by our renunciations. Amen."

*Story from Pulpit Digest, Volume 29 No. 1 Year C, Will Williams.

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Horton, Senator Odom, Senator Thomas, and Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Chair extends courtesies of the floor to Dr. Richard Harold Roettger from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Teresa Caudill from Troy, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hoyle; Albertson, Berger, Dalton, Forrester, Harris, Martin of Pitt and Swindell:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS.

Referred to **Judiciary I Committee**.

By Senator Weinstein:

S.B. 105, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FUTURE DEVELOPMENT OF THE SOUTHEASTERN NORTH CAROLINA AGRICULTURAL CENTER IN ROBESON COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DOWNTOWN RESTORATION AND IMPROVEMENTS IN THE TOWN OF RAEFORD.

Referred to **Appropriations/Base Budget Committee**.

By Senator Carpenter:

S.B. 107, A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT.

Referred to **Finance Committee**.

By Senator Shaw of Cumberland:

S.B. 108, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR

THE CONSTRUCTION OF A MARTIN LUTHER KING, JR. AMPHITHEATER AND PARK IN CUMBERLAND COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Shaw of Guilford; Ballantine, Kerr, Odom, Rand and Wellons:

S.B. 109, A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES.

Referred to **Judiciary II Committee**.

ADDITIONAL SPONSOR

Senator Allran requests to be added as a sponsor of previously introduced legislation:

S.B. 90, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

The Chair extends the courtesies of the gallery to Dr. James Moeser, Chancellor of the University of North Carolina at Chapel Hill.

Upon motion of Senator Ballance, seconded by Senator Purcell, the Senate adjourns at 10:17 A.M. to meet Monday, February 12, at 7:00 P.M.

ELEVENTH DAY

Senate Chamber
Monday, February 12, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, on the anniversary of his birthday, we remember the compelling words of President Abraham Lincoln spoken to the Missouri Committee of Seventy in 1864: 'I desire so to conduct the affairs of this Administration that if at the end, when I come to lay down the reins of power, I have lost every other friend on earth, I shall have at least one friend left, and that friend shall be down inside of me.'

"O God, give us such courage, conviction, and conscience in matters both great and small that we must face each day. To Your glory we pray, Amen."

The Chair grants a leave of absence for tonight to Senator Clodfelter.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Warner Leander Hall, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Dennis Sherrod from Sims, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Dalton:
S.B. 110, A BILL TO BE ENTITLED AN ACT RELATING TO THE 37TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Dalton:
S.B. 111, A BILL TO BE ENTITLED AN ACT RELATING TO THE 37TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Dalton:
S.B. 112, A BILL TO BE ENTITLED AN ACT RELATING TO THE 37TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:
S.B. 113, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.
Referred to **Children & Human Resources Committee**.

By Senators Martin of Pitt; and Dannelly:
S.B. 114, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PERINATAL CARE.
Referred to **Appropriations/Base Budget Committee**.

By Senator Martin of Guilford:
S.B. 115, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY.
Referred to **Appropriations/Base Budget Committee**.

By Senator Rand:
S.B. 116, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A BOTANICAL LABORATORY FOR FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE'S HORTICULTURE TECHNOLOGY PROGRAM.
Referred to **Appropriations/Base Budget Committee**.

By Senator Rand:

S.B. 117, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL BUILDINGS.

Referred to **Finance Committee**.

By Senators Forrester, Purcell; Carpenter, Carter, Dalton, Foxx, Hoyle, Lucas and Rand:

S.B. 118, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE.

Referred to **Health Care Committee**.

By Senators Dalton; Clodfelter, Hartsell, Martin of Guilford, Rand, Thomas and Wellons:

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES.

Referred to **Judiciary II Committee**.

By Senators Rucho; Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Shaw of Guilford and Webster:

S.B. 120, A BILL TO BE ENTITLED AN ACT TO REFORM THE ELECTION LAWS FOR THE PURPOSE OF MAKING VOTING SIMPLER AND FAIRER.

Referred to **Judiciary II Committee**.

By Senators Webster; Berger, Carpenter, Carrington, Forrester, Garwood, Hartsell, Moore and Rucho:

S.B. 121, A BILL TO BE ENTITLED AN ACT PROHIBITING ELECTIONEERING OR CONDUCTING AN EXIT POLL WITHIN THREE HUNDRED FEET OF THE POLLING PLACE.

Referred to **Judiciary II Committee**.

By Senators Webster; Carrington, Forrester, Garwood, Hartsell and Shaw of Guilford:

S.B. 122, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL POLLS CLOSE AT 9:00 P.M.

Referred to **Judiciary II Committee**.

By Senators Carpenter; Ballantine, Berger, Forrester, Foxx, Garwood, Hartsell, Kinnaird, Moore, Shaw of Guilford and Webster:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS.

Referred to **Finance Committee**.

INTRODUCTION OF A RESOLUTION

Senator Rand offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution which was filed today, which motion prevails by a two-thirds majority vote.

By Senator Rand:

S.J.R. 128, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for tomorrow, Tuesday, February 13.

RECOGNITION OF SPECIAL GUEST

Upon motion of Senator Lucas, the privileges of the floor are extended to Conductor Andre Rafael Smith, a native of Durham, North Carolina. Senator Basnight appoints Senator Albertson, Senator Garrou, Senator Gulley, Senator Jordan, Senator Kinnaird and Senator Lucas to escort Mr. Smith to the Well of the Senate.

Upon motion of Senator Ballance, the remarks of Senator Lucas, Mr. Smith, Senator Gulley, and the Lieutenant Governor are spread upon the Journal, as follows:

Senator Lucas:

"Senators, you may be seated. I hope that you all will bear with me this evening, because we are in for a treat. Conductor Andre Rafael Smith enjoys the reputation as one of this country's most exciting artists. Committed to American music and new music, he has distinguished himself through interpretations of a broad spectrum of twentieth century works as well as a standard repertoire. Conductor Smith maintains an active career as guest conductor. He made a critically acclaimed debut with the New York Philharmonic last season, and has also appeared with the Cleveland and Philadelphia Orchestras, as well as with the Chicago Symphony, where he returns during the 2001-2002 season. In recent seasons he has conducted the National Symphony, Baltimore Symphony, Houston Symphony, Minnesota Orchestra, Atlanta Symphony, St. Paul Chamber Orchestra, Utah Symphony, Oregon Symphony, New Jersey Symphony, and Indianapolis Symphony, among others. He made his Carnegie Hall debut in 1997, conducting the Orchestra of St. Luke's and returned to lead that Orchestra the following season. During the 2000-2001 season, Conductor Smith makes his debut with the Auckland Philharmonia of New Zealand, and also leads the St. Louis Symphony, New World Symphony, Ft. Worth Symphony, North Carolina Symphony, which he just conducted, and the Hartford Symphony, among others. From 1994 to 2000, Conductor Smith served as Assistant Conductor of the Philadelphia Orchestra. Highlights of his tenure included acclaimed performances of John Corigliano's 'Symphony No. 1' and many, many more.

"I'd like for you to know he has a strong and active interest in audience development and arts education, and served as music director of the St. Louis Symphony In Unison Program, a partnership between the Orchestra and local churches. He has also been a featured artist with NPR's 'Performance Today'. His commitment to education is also reflected in his work with orchestra at leading conservatories and training programs throughout our country. He frequently appears with the Juilliard Orchestra, and has also led performances at the National Orchestral Institute and with the Young Artists' Orchestra at Tanglewood. The reason I am presenting him along with Senator Gulley is that he was born in Durham, North Carolina, and he graduated from Hillside High School, so his public education came from Durham Public Schools. So you know that we are extremely proud, because he was under the tutelage of two great bandleaders, Oliver Hodge and Clark Edgerton; Oliver at Shepard Middle School, where now Senator Gulley's son is in attendance, and Hillside High School, where I taught for 18 years. Conductor Smith

began his music lessons at age 11. He received a Bachelor of Music degree from the University of Miami and continued his studies at Yale University. By the way, he was born in 1962. That's why he looks so young. While at Yale, Conductor Smith began his conducting studies with Otto-Werner Mueller, and he pursued further studies with Maestro Mueller at the Curtis Institute of Music. I'm almost finished. At the Juilliard School where he was awarded the Bruno Walter Memorial Scholarship, he also received an advanced certificate in Orchestral Conducting. Because of Senator Lee's vision, we have him here this evening, and I don't think you all had an opportunity to hear him conduct the North Carolina Symphony last Saturday. Members of the Senate, it is my joyful pleasure to have come to this podium, Conductor Andre Rafael Smith. Conductor Smith, the podium is yours."

Conductor Andre Rafael Smith:

"To the Lieutenant Governor, the President *Pro Tempore*, and other Members of the Senate, as well as guests, it is a great pleasure for me to be here with you this evening to accept The Order of the Long Leaf Pine. I am deeply honored to stand before you and, as an honoree, to share in the tradition of this esteemed body. This past week has been very special for me. It was a thrilling experience for me to be in my home state conducting the North Carolina Symphony. In fact, the first orchestral concert that I attended as a child was an educational concert by the North Carolina Symphony. The acceptance of this award seems the perfect way to close my visit here. Growing up as a child in Durham, I dreamed of a career as an orchestral conductor. Those dreams were given substance by my exposure to a musical instrument in the public school system, and my participation in organizations like the Duke Youth Orchestra. These experiences formed the basis of my musical personality and helped me realize the key role that education plays in the development of an artist. There is something unique about this region. It is a place where family values are emphasized and where people are always willing to help their neighbors. It is where I learned the importance of hard work and discipline, and it is the only place where one can root vehemently for one of three college basketball powerhouses and then go out after the game and see arch rivals eating barbecue together. That is North Carolina. This is an exciting time for the arts in this area. The opening of the new Meymandi Concert Hall in Raleigh, and a new summer home for the Orchestra in Cary, will help bring classical music to new audiences and raise the national awareness of the great musical treasures this State has to offer. In closing, I want to thank you again for this award. It is an affirmation of my worth as an artist and my impact as a citizen but, in the end, it is the people of this area who really deserve the credit. They have helped shape my personality, work ethic, and the other important qualities which make me the person I am today. Thank you.

Senator Gulley:

"Thank you Mr. Smith, I appreciate Senator Lucas letting all of us and me join in making this presentation and, I want to give you this Order of the Long Leaf Pine, but I want to tell you first that we're so proud, both of your accomplishments and what it says about the State of North Carolina. We're so proud you're from the Durham community. My son does not just go to Shepard, but he also plays in the jazz band there and, I guess I have some hope now that something may come out of all that work. On behalf of James B. Hunt, Governor, who in one of his last acts as Governor awarded you the Order of the Long Leaf Pine which I have here, represents special confidence in the integrity, learning and zeal that you have, by conferring this order upon you with the rank of Ambassador Extraordinaire, privileged to fully enjoy all rights granted to members of this exalted order, including among which the special privilege of making the following North Carolina Toast: 'Here's to the land of the long leaf pine, the summer land

where the sun doth shine, where the weak grow strong and the strong grow great, here's to down home, the Old North State.' "

Lieutenant Governor Perdue:

"Conductor Smith, on behalf of the Members of the Senate and all of us in North Carolina who love good music, I dream of going to Tanglewood someday, we would invite you to come back and conduct in our new hall that opens next week, Meymandi Hall that we're all so excited about. Senator Basnight and I would like to walk to the Well and present you with the North Carolina flag, but in receiving the Order of the Long Leaf Pine and receiving the flag, you must promise you will come back and do your business best in North Carolina."

Upon motion of Senator Lucas, the President extends the courtesies of the gallery to Conductor Andre Rafael Smith's wife, Jennifer Smith; his sister, Deborah Smith; his brother and sister-in-law, Carl and Cynthia Smith; his sister, Jessica Kerr; and his friends Joseph Farmer and Ivan Harrell.

ADDITIONAL SPONSOR

Senator Odom requests to be added as a sponsor of previously introduced legislation:

S.B. 90, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

CHANGES TO 2001 SENATE COMMITTEES

Senator Thomas is appointed to the **Insurance and Consumer Protection Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Shonta Arnold, Raleigh; Marlena Joe Bullion, Sanford; Sade' Marquita Curry, Lillington; Christina Wingfield Floyd, Raleigh; Bridget M. Jefferys, Wake Forest; Angelica Elisabeth Koelling, Hillsborough; Matthew Paul Mason, Garner; Robert Bradford Oakes, Nashville; Rebecca J. Price, Sanford; Jacinta Evelyn Taylor, Raleigh; William Thompson, Raleigh; and Jonathan Bradley Trogdon, Hope Mills.

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns at 7:37 P.M. to meet tomorrow, Tuesday, February 13, at 3:00 P.M.

TWELFTH DAY

Senate Chamber
Tuesday, February 13, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"This room is full of gifted people. Others have recognized these gifts in the Senators and Lieutenant Governor and elected them to office. But remind us that we are neither masters of our own universe nor self-made men and women. Every good gift comes from you and we owe to you all that we are and all that we have.

"Many gifted folks want to serve You, God, but only as advisors. May we choose a more subservient role. In gratitude we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jeffrey Haskel Fair from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Wilder from Lewisville, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Odom:
S.B. 124, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Odom; and Shaw of Guilford:
S.B. 125, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF RADAR DETECTORS IN MOTOR VEHICLES, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.
Referred to **Judiciary II Committee**.

By Senators Odom; and Shaw of Guilford:
S.B. 126, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC RADAR IMAGES AS PRIMA FACIE EVIDENCE OF A SPEED LIMIT VIOLATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.
Referred to **Judiciary II Committee**.

By Senator Odom:
S.B. 127, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR LINCOLN COUNTY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Gulley and Lucas:

S.B. 129, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR GENETIC HEALTH CARE SERVICES TO ASSIST IN THE PREVENTION OF INFANT MORTALITY AND OTHER DISEASES AND DISABILITIES RELATED TO GENETIC DISORDERS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Ballance, Cunningham, Dannelly, Garrou, Gulley, Hagan, Lucas, Martin of Guilford, Miller, Odom, Robinson and Weinstein:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING NORTH CAROLINA PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Allran, Ballance, Ballantine, Carter, Dalton, Forrester, Garwood, Hoyle, Metcalf, Plyler, Robinson, Soles, Swindell, Thomas, Weinstein and Wellons:

S.B. 131, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE SUPPLEMENTAL FUNDING FOR LOW-WEALTH SCHOOL SYSTEMS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Carpenter, Martin of Guilford, Odom; Albertson, Allran, Bingham, Carrington, Dalton, Dannelly, Forrester, Garwood, Gulley, Kinnaird, Metcalf, Moore, Purcell, Rucho, Shaw of Guilford, Warren and Wellons:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Kerr:

S.B. 133, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TRAUMATIC BRAIN INJURY UNIT IN GOLDSBORO.

Referred to **Appropriations/Base Budget Committee**.

By Senators Kerr and Wellons:

S.B. 134, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PRESERVE, IMPROVE, AND PROMOTE THE STATE'S CIVIL WAR ERA SITES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 135, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR A CHILDREN AND YOUTH PSYCHIATRIC FACILITY AT CHERRY HOSPITAL.

Referred to **Appropriations/Base Budget Committee**.

By Senators Warren; Albertson, Bingham, Carpenter, Dalton, Foxx, Hoyle, Kinnaird, Martin of Guilford, Metcalf, Odom, Soles, Swindell, Thomas, Weinstein and Wellons:

S.B. 136, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to **Pensions & Retirement and Aging Committee**.

CALENDAR

A joint resolution on today's Calendar is taken up and disposed of, as follows:

S.J.R. 128, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

The joint resolution passes its second reading (48-0) and third reading (48-0) and is ordered, without objection, sent to the House of Representatives by special message.

ADDITIONAL SPONSOR

Senator Allran requests to be added as a sponsor of previously introduced legislation:

S.B. 120, A BILL TO BE ENTITLED AN ACT TO REFORM THE ELECTION LAWS FOR THE PURPOSE OF MAKING VOTING SIMPLER AND FAIRER.

S.B. 123, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS.

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns at 3:26 P.M. to meet tomorrow, Wednesday, February 14, at 3:00 P.M.

THIRTEENTH DAY

Senate Chamber
Wednesday, February 14, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, many people today are wrapped up in the celebration of Valentine's Day. It may seem not a little strange to pray about love in this Senate Chamber. Maybe that's because in our world love has come to mean almost exclusively a feeling, or an emotion, or a sentiment, seldom engaging the mind or judgment or will. But when the preeminent biblicate law commands us to love you first and then our neighbors as ourselves, we realize that love is to be a way of life.

"Love takes courage, a square jaw, a clear mind, a thick skin and a short memory. This love takes patience and kindness and hope and endurance and commitment and faith, so that the good of the other is regarded as indistinguishable from one's own. That is precisely the kind of love that must be exercised every day in this place. Help us to that end. Amen."

The Chair grants a leave of absence for today to Senator Jordan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Timothy John Reeder from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Jane Campbell from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Ballance:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

Referred to **Judiciary II Committee**.

By Senators Foxx; and Berger:

S.B. 138, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE MOUNT AIRY TOURISM DEVELOPMENT AUTHORITY.

Referred to **State and Local Government Committee**.

By Senators Rand; Dalton, Dannelly and Lee:

S.B. 139, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

Referred to **Education/Higher Education Committee**.

By Senators Rand; Dalton, Dannelly, Hoyle, Lee, Reeves and Soles:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT TO THE SECRETARY OF STATE CHARITABLE CONTRIBUTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS AND TO APPROPRIATE FUNDS FOR THE PUBLIC INFORMATION PROGRAM.

Referred to **Judiciary I Committee**.

By Senators Warren; Albertson, Clodfelter, Dalton, Dannelly, Foxx, Purcell, Rand and Wellons:

S.B. 141, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ACTIVITIES OF THE NORTH CAROLINA GEOGRAPHIC ALLIANCE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Hoyle, Dalton, Hartsell and Kerr:

S.B. 142, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS.

Referred to **Finance Committee**.

By Senators Kerr, Dalton, Hartsell, Hoyle and Webster:

S.B. 143, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS AND TO MAKE A CONFORMING CHANGE REGARDING FOREIGN SALES CORPORATIONS.

Referred to **Finance Committee**.

By Senators Kerr, Hartsell, Hoyle, Dalton, Webster; and Berger:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT.

Referred to **Finance Committee**.

By Senators Kinnaird; Albertson, Ballance, Carter, Cunningham, Gulley, Harris, Lee, Metcalf, Purcell, Warren, Weinstein and Wellons:

S.B. 145, A BILL TO BE ENTITLED AN ACT TO ELIMINATE ROLLBACK OF DEFERRED TAXES WHEN USE VALUE PROPERTY IS TRANSFERRED BETWEEN FARMERS, WITHOUT EXTINGUISHING THE LIEN FOR THE DEFERRED TAXES.

Referred to **Finance Committee**.

By Senators Kinnaird; Gulley and Lee:

S.B. 146, A BILL TO BE ENTITLED AN ACT TO EXEMPT NONPROFIT CHILD CARE CENTERS FROM PROPERTY TAX.

Referred to **Finance Committee**.

By Senators Ballance; Kinnaird, Lucas, Martin of Guilford and Shaw of Cumberland:

S.B. 147, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS ON STOPS MADE BY CERTAIN LOCAL LAW ENFORCEMENT AGENCIES.

Referred to **Judiciary II Committee**.

ADDITIONAL SPONSOR

Senator Thomas requests to be added as a sponsor of previously introduced legislation:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO FURTHER RESTRICT THE HOUR THAT A TELEPHONE SOLICITOR MAY INITIATE A CALL TO A RESIDENTIAL TELEPHONE SUBSCRIBER.

S.B. 21, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MANAGED CARE ENTITY PROVIDING A HEALTH BENEFIT PLAN IS LIABLE FOR DAMAGES FOR HARM TO ITS INSUREDS OR ENROLLED CAUSED BY THE MANAGED CARE ENTITY'S FAILURE TO EXERCISE ORDINARY CARE AND TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF APPEALS OF NONCERTIFICATION DECISIONS AND SECOND LEVEL GRIEVANCE REVIEW DECISIONS MADE BY THE INSURER OR MANAGED CARE PLAN AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAW ON UTILIZATION REVIEW AND GRIEVANCES.

S.B. 90, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

S.B. 95, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED FOR CERTAIN FELONIES AND STORED IN THE STATE DNA DATABASE, TO ESTABLISH PILOT PROGRAMS TO IMPLEMENT THIS PROCEDURE, AND TO PROVIDE THAT A DEFENDANT MAY FILE A MOTION FOR APPROPRIATE RELIEF AT ANY TIME AFTER A VERDICT IF DNA EVIDENCE IS AVAILABLE REGARDING THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED BUT THE DNA EVIDENCE WAS NOT ADMITTED INTO EVIDENCE AT THE TRIAL.

S.B. 104, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS.

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 3:18 P.M. to meet tomorrow, Thursday, February 15, at 10:00 A.M.

FOURTEENTH DAY

Senate Chamber
Thursday, February 15, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, help each of us to be faithful to You in our own time and place. We do not ask to be heroes but we do ask to be able to be quietly courageous when You call us to a task. Help us to stand fast, to speak up and to reach out in Your name.

"To each of us there comes that time to be faithful, when the battle is won or lost through us. So help us to seize that opportunity. For Your sake, Amen."

The Chair grants leaves of absence for today to Senator Hoyle, Senator Metcalf and Senator Moore.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Leibert Earl Devine from Edenton, North Carolina, who is serving the Senate as Doctor of the Day, and to Ed

Kirkpatrick from Kinston, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.J.R. 128, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (Res. 2)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Shaw of Cumberland:

S.B. 148, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT MEMORIAL SIGNS ALONG HIGHWAYS FOR STATE HIGHWAY PATROL MEMBERS AND OTHER LAW ENFORCEMENT PERSONNEL KILLED IN THE LINE OF DUTY.

Referred to **Transportation Committee**.

By Senator Garwood:

S.B. 149, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Garwood:

S.B. 150, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Garwood:

S.B. 151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

INTRODUCTION OF A BILL

Senator Wellons offers a motion that Rule 40 be suspended to allow the introduction of a bill which was filed today, which motion prevails by a two-thirds majority vote.

By Senator Wellons:

S.B. 168, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CEASE AND DESIST PROVISIONS IN THE HMO LAWS.

Referred to **Insurance and Consumer Protection Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

House of Representatives
February 15, 2001

Madame President:

Pursuant to S.J.R.128, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR MICHAEL F. EASLEY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Speaker Pro Tempore appoints the following members of the House of Representatives to serve with a like committee of the Senate to escort Governor Michael F. Easley to the Joint Session on Monday, February 19, 2001:

Representative Redwine,
Representative Hill,
Representative Baddour,
Representative Daughtry,
Representative Oldham, and
Representative Alexander.

Respectfully,
Denise G. Weeks
Principal Clerk

ADDITIONAL SPONSOR

Senator Carter requests to be added as a sponsor of previously introduced legislation:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING NORTH CAROLINA PROGRAM.

APPOINTMENT OF ESCORT COMMITEE

The President recognizes Senator Basnight, President *Pro Tempore*, who appoints Senator Soles, Chairman; Senator Ballance; Senator Ballantine; Senator Lucas and Senator Rand as the Committee to escort The Honorable Michael F. Easley to the Joint Session of the General Assembly on Monday, February 19, 2001.

A message is ordered sent to the House informing that Honorable Body of the escort committee.

Upon motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns at 10:25 A.M. to meet Monday, February 19, at 6:30 P.M.

FIFTEENTH DAY

Senate Chamber
Monday, February 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal and loving God, even on a night of such importance to the work of the Senate, when Governor Mike Easley will give his State-of-the-State Address, we give pause to hold in memory North Carolina Native Son, Dale Earnhardt, who was killed yesterday while racing at the Daytona 500.

"He brought enthusiasm, great energy and unrivaled popularity to a sport often associated with North Carolina. Though he had a reputation for being hard-nosed and intimidating, he spent the last minutes of his life protecting the lead for a teammate who would go on to win his first race in 463 career starts. What a fitting epitaph.

"During this time of grieving, be with Earnhardt's wife, his children, other family members, indeed all whom he touched as the greatest driver in Nascar history. Blessed are they who mourn -- for they shall be comforted. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, February 15, 2001, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Charles Cefalo from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Katheryn Jenifer from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Lucas; Albertson, Ballance, Carter, Dannelly, Garwood, Gulley, Horton, Kinnaird, Lee, Martin of Guilford, Metcalf, Robinson, Shaw of Cumberland, Warren and Weinstein:

S.B. 152, A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES AND TO REQUIRE THAT THOSE PERSONS BE REGISTERED WITH THE SECRETARY OF STATE; TO REQUIRE JUDICIAL APPROVAL BEFORE A TWELVE- OR THIRTEEN-YEAR-OLD APPLICANT MAY BE MARRIED; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF

ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Judiciary I Committee**.

By Senators Lee; Dannelly, Foxx, Garrou, Garwood, Harris, Kinnaird, Lucas, Robinson, Weinstein and Wellons:

S.B. 153, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DOMESTIC VIOLENCE PROGRAMS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Moore; and Garwood:

S.B. 154, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore; and Garwood:

S.B. 155, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Moore; and Garwood:

S.B. 156, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler and Purcell:

S.B. 157, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES.

Referred to **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 158, A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

Referred to **Pensions & Retirement and Aging Committee**.

By Senators Ballantine; Berger, Carpenter, Forrester, Foxx and Moore:

S.J.R. 159, A BILL TO BE ENTITLED A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY HIGH-RISK HEALTH INSURANCE POOLS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell, Forrester; Allran, Berger, Carpenter, Carter, Foxx, Garwood, Hartsell, Kerr, Kinnaird, Lucas, Metcalf, Rucho and Warren:

S.B. 160, A BILL TO BE ENTITLED AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS.

Referred to **Judiciary I Committee**.

By Senators Hartsell; Carpenter, Forrester and Hoyle:

S.B. 161, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM

TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senators Hartsell, Dalton, Hoyle, Kerr and Webster:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS.

Referred to **Finance Committee**.

By Senators Rand; Dannelly, Garrou, Purcell, Shaw of Cumberland and Weinstein:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED AND TO PROVIDE FUNDS FOR THE EDUCATION OF THESE CHILDREN.

Referred to **Children & Human Resources Committee**.

By Senators Ballance; Clodfelter, Dannelly, Gulley, Kinnaird, Lucas, Rand, Shaw of Cumberland and Soles:

S.B. 164, A BILL TO BE ENTITLED AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE AND TO AMEND THE LAW PROVIDING COMPENSATION TO THE PERSON FOR A WRONGFUL CONVICTION.

Referred to **Judiciary II Committee**.

By Senators Hartsell, Dalton, Hoyle, Kerr and Webster:

S.B. 165, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Referred to **Judiciary I Committee**.

By Senators Dannelly; Albertson, Bingham, Forrester, Garwood, Harris, Lucas, Martin of Guilford, Metcalf, Purcell and Shaw of Cumberland:

S.B. 166, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING.

Referred to **Children & Human Resources Committee**.

By Senators Dannelly; Albertson, Bingham, Forrester, Garwood, Harris, Lucas, Martin of Guilford, Metcalf, Purcell and Shaw of Cumberland:

S.B. 167, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR REIMBURSEMENT FOR ADULT DAY SERVICES FROM THE HOME AND COMMUNITY CARE BLOCK GRANT FUND.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Hartsell; and Clodfelter:

S.B. 169, A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Commerce Committee**.

By Senators Garrou; Bingham, Carter, Hagan, Lee, Metcalf, Rand, Robinson and Swindell:

S.B. 170, A BILL TO BE ENTITLED AN ACT TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF SCHOOL BUS PASSING LAWS.

Referred to **Judiciary II Committee**.

By Senators Ballance, Dannelly, Shaw of Cumberland; Jordan, Kinnaird, Lucas, and Martin of Guilford:

S.B. 171, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Ballance, Dannelly, Shaw of Cumberland; Jordan, Kinnaird, Lucas, and Martin of Guilford:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MORATORIUM ON CARRYING OUT THE DEATH PENALTY, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Ballance, Dannelly, Horton, Shaw of Cumberland; Harris, Jordan, Kinnaird, Lucas, and Martin of Guilford:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Judiciary II Committee**.

By Senators Hagan; Martin of Guilford and Shaw of Guilford:

S.B. 174, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS.

Referred to **Finance Committee**.

By Senators Carter; Garrou, Hagan, Metcalf and Purcell:

S.B. 175, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ADULT DAY CARE FUND TO PROVIDE FOR A RATE INCREASE FOR ADULT DAY SERVICES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Carter; Garrou, Hagan, Metcalf and Purcell:

S.B. 176, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPLY FOR A MEDICAID WAIVER TO PROVIDE MEDICAID COVERAGE TO ADULT DAY HEALTH SERVICES CLIENTS.

Referred to **Health Care Committee**.

By Senators Purcell; Carter, Dannelly, Forrester, Harris and Metcalf:

S.B. 177, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCREASE THE COMMUNITY ALTERNATIVES PROGRAM (CAP) INCOME ELIGIBILITY LIMITS AND TO APPROPRIATE FUNDS THEREFOR.

Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell; Carter, Dannelly, Forrester, Harris and Metcalf:

S.B. 178, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

Referred to **Children & Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Purcell; Carter, Dannelly, Forrester, Harris and Metcalf:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell; Carter, Dannelly, Forrester, Harris and Metcalf:

S.B. 180, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LABOR ENHANCEMENT PAYMENTS FOR WORKERS IN LONG-TERM CARE FACILITIES AND AGENCIES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Harris; Albertson, Ballance, Dalton, Dannelly, Garrou, Hagan, Hoyle, Jordan, Kinnaird, Metcalf, Miller, Purcell, Rand, Robinson, Soles, Weinstein and Wellons:

S.B. 181, A BILL TO BE ENTITLED AN ACT TO ALLOW A PASS-THROUGH ENTITY TO ALLOCATE A HOUSING TAX CREDIT TO ANY OF ITS OWNERS AT THE DISCRETION OF THE PASS-THROUGH ENTITY.

Referred to **Finance Committee**.

By Senator Harris:

S.B. 182, A BILL TO BE ENTITLED AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 183, A BILL TO BE ENTITLED AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

Senator Basnight offers a motion in accordance with S.J.R. 128, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State-of-the-State Address from The Honorable Michael F. Easley, and further moves that, upon dissolution of the Joint Session, the Senate stand adjourned to reconvene Tuesday, February 20, at 3:00 P.M., which motions prevail.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives.

The Speaker of the House of Representatives presides and recognizes the Sergeant-at-Arms of the House of Representatives who announces the members of the North Carolina Supreme Court and Court of Appeals. The Speaker directs the Sergeant-at-Arms of the House of Representatives to open the doors and escort the members of the Judiciary to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the members of the Council of State and the Governor's Cabinet. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and escort the members of the Council of State and the Governor's Cabinet to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces The Honorable John Edwards, United States Senator. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and escort Senator Edwards to his seat.

The Speaker extends the courtesies of the House to the First Lady of North Carolina, Mrs. Mary Easley; Mr. Robert Eaves, husband of Lieutenant Governor Perdue; and all invited guests.

The Speaker relinquishes the gavel to Lieutenant Governor Beverly E. Perdue, President of the Senate, who presides.

The President of the Senate calls the Joint Session of the General Assembly to order.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives, who announces the presence of His Excellency, The Honorable Michael F. Easley, Governor. The President directs the Sergeants-at-Arms of the House of Representatives and the Senate and the Committees appointed by the President *Pro Tempore* of the Senate and the Speaker of the House of Representatives to escort the Governor to the Well of the House of Representatives. Senator Soles is recognized and presents the Governor to the President of the Senate. The President presents his Excellency, The Honorable Michael F. Easley, who delivers the State-of-the-State Address to the 2001 General Assembly.

The Honorable Michael F. Easley:

"Before I begin tonight, I'd like to take just a moment to remember one of North Carolina's greatest ambassadors of good will - the great competitor. Dale Earnhardt, Sr. lost his life yesterday, suddenly and tragically. Please join me in a moment of silence for the Earnhardt family."

STATE-OF-THE-STATE ADDRESS

"Mr. Speaker, Senator Basnight, Lieutenant Governor Perdue, Members of the General Assembly, Mr. Chief Justice and Members of the Appellate Court, Members of the Council of State, honored guests, fellow citizens, I am proud to stand here before you tonight at the beginning of a bright new age for North Carolina, and I'm proud that my family is here with me, wife and best buddy Mary, and our son, Michael. This is the last place Michael wanted to be tonight. Well, you've got a lot in common. When I think of them, I think of all of North Carolina's families and our great future.

"We leave behind a decade that will long be remembered as one of the most rewarding in our history. Through triumph and great tragedy, the people of North Carolina rallied together like never before - for our schools, our communities, for our families. Our citizens poured out their hearts and their souls and helped North Carolina blossom into the finest place in all of America to live and raise a family. Our eastern counties, completely devastated a little less than a year and a half ago, are rebuilding with great vision and great courage. Our universities and community colleges are among the best in the nation. Our crime rate is lower than it has been in a generation and, for the first time in recent

memory, the rest of the country is looking to North Carolina as the standard for improvement in education and child care.

"I want to personally thank you for putting people first and putting party differences aside. Good government is not about Democrats and Republicans. It's about children, seniors, and working families, and you put them first. I began working with you back when I was a prosecutor, trying to toughen criminal laws in the seventies and in the eighties and, as Attorney General, we worked together on almost every issue facing the State. I know when I set out to reach a national tobacco settlement, many of you had doubts, but you stuck with me. When I set out to remove the prison cap, again you had doubts, but you stuck with me, and when we set out to stop predatory lending, again we worked together. And I believe tonight that that same bipartisan spirit that we have enjoyed for so long will continue over the next four years. But too often, in my opinion, history records progress in this State under the name of the Governor's administration. Too often, we fail to recognize the vision and the leadership that exists in the halls of the General Assembly. Year after year, session after session, you have to make the tough calls and often suffer the consequences. So I think it's right that we remember that tonight, and on behalf of the people of the State of North Carolina, I say thank you to all of you.

"You're the first Legislature of the new century. You have a chance to be remembered as the group that brought sustained progress to North Carolina. You have a chance to make history and be remembered for it. In the past our progress and economic prosperity have run in cycles. We have invested in education in good times, then failed to complete the job when the economy slows. Our State has seen this cycle repeated decade after decade. We make great progress, only to see it erode. Friends, we've come too far this time. We have too much invested and too much left to do. What took decades to build will be lost overnight if we fail to make the critical investments in our people. Any state can make progress in good times, but it's the great states that make progress in tough times. It's the darkest hours that draw out our brightest stars, and now is the time for North Carolina to shine. For again, as we move from decade to decade, we face another budget shortfall. Again, we face the challenge. Again, we stand at the crossroads. We can go forward or we can let the budget turn us back. I have made my decision. I am going forward and I need you to go with me. Tonight, I urge you to be restless and to be dissatisfied with the status quo. If we're going to make progress, we have to be willing to change. The people of this State want change, they want progress, and it is our job to see that they get it. We'll have a balanced budget by June 30. That's my job and I'm going to do it. But next year's budget is one we write together. We will make tough calls and make sure the budget is balanced, but we must remove the deficit in the budget without compromising our progress. What bothers me most is not so much the budget as it is our attitude. We have a six-to-eight year momentum going now, and I don't want to see us get bogged down in the budget and fail to go forward. I was in church yesterday watching people walk down the aisle going to communion. I probably shouldn't have been watching, but I was. And they were all different sorts of people. They were older people; they were younger people. People blue collar, white collar, carrying children, walking with little toddlers by their side, holding their hands as they went down the aisle, and I thought 'They didn't elect us to balance the budget. That's a given. They think that's done. We're supposed to do that. They elected us to bring them some opportunities, to make for a higher and better quality of life for all of our citizens.' That's what we're here for -- for them. We have a responsibility to look ahead -- to look ahead beyond budget cycles and legislative terms. We have to think in terms of lives -- the lives of all of our people and the quality of life they all enjoy.

"So tonight I urge you to stand with me in a commitment to One North Carolina where every citizen in every region has a fair chance to succeed. North Carolina values require that we all work together to spread our success not by taking wealth from any region, but

by sharing opportunity and expertise with every region. North Carolina must be one state where opportunity is equal. No excuses. We cannot accept excuses. No excuses means investing in our people. It means maintaining our commitment to education by making sure that every child in every county has every opportunity to succeed, regardless of economic condition. It means taking care of our seniors, those who took care of us for so long. It means protecting patients' rights. It means keeping North Carolina competitive in the global marketplace. It means protecting our environment so that our children can swim in the same waters and harvest the same land that we did. It means not using the tough economy as a reason to quit. Next year, more than 100,000 five-year-olds are going to start kindergarten, whether the economy is strong or weak. More than 1.3 million children will fill our classrooms to pursue a quality education, whether interest rates are low or interest rates are high. And those with illness and those with disabilities will still need our help, whether Wall Street is up or Wall Street is down. We must meet the needs of our people in good times as well as in bad, for it is during the tough times that we test our leadership, and our character and our commitment to the Golden Rule. Other states can choose their own course, but we in North Carolina choose to go forward.

"Our schools have made great strides, but in many parts of our State they are simply not the schools our children deserve. When we talk about being number one in education, let's stop and think about the context in which we are speaking. We basically have four parts to education in North Carolina and we are leading the way in three of them. The first is early childhood development where we are a national model in Smart Start. The second is the university system, which we were the first in the country to start a state-supported university, and we remain the envy of the nation today. The third is our community colleges, considered one of the most comprehensive systems in the country. And the fourth is K-12. It makes absolutely no sense that we can be a national leader in three of those categories yet lag behind in K-12. We can't be satisfied to be a leader in most categories of education; we must be a leader in every category of education. We can be number one. We're making real progress. We're beginning to turn the corner, and we cannot stop now. We can't let a budget shortfall become an education shortfall. This year, we have to break that cycle, finish the job, overcome any barrier to let those young minds flourish. We can't make excuses. I am here to tell you people are sick and tired of us investing in but coming up short in education. They don't want excuses, they want solutions. We're going to have to provide them. If we want our students to succeed, they must arrive at the schoolhouse door ready to learn, and once inside, they need an encouraging environment that allows them not just to pass but to excel.

"Tonight I am proposing a two-part initiative designed to give children the boost they need during their early learning years. First, the creation of a voluntary statewide pre-kindergarten program to prepare at-risk four-year olds for school. We know it works. Each year, our state lets thousands of at-risk four-year olds go without the help they need. There's no excuse. Those children deserve the chance to succeed. Pre-k Programs are already making progress in forty other states, including a highly successful program in Georgia. I won't tell you how they fund it. Our children deserve the same opportunity. With a Pre-k Program we can close the achievement gap that has been tolerated for far too long in this State. We will not be part of a system of education that discriminates against even one child in this State. Pre-k and smaller class size will solve that problem. Next, we have to take steps to ensure that the progress made in Pre-k won't be lost in grade school. We must reduce class size to eighteen or below in grades K-3. Students in smaller classes are more likely to stay in school, stay out of trouble, graduate and go on to college. We have great universities in North Carolina; let's educate our children so that they can use them. I'm asking you, the 2001 Legislature, to take the steps for our children and for our state. More testing alone is not the answer. Students need more knowledge. They must have a better environment to learn more if we expect them to score more. Almost forty percent of

our children are in classes of twenty-six or larger. That's just too big. The best research from the Rand Institute, the Tennessee Star program and our own Burke County shows that smaller classes translate into higher performance. Smaller classes allow for more one-on-one instruction so that teachers can teach and students can learn. Achievement goes up, discipline problems go down, they don't get involved in as much juvenile crime and teachers are more likely to stay in the profession.

"We know it works. It's working right now in Burke County. They are following the model that I am recommending tonight. Those students in small classes outperformed their peers and continued outperforming them throughout their academic career. We know smaller classes work; there's no excuse not to do it.

"Now North Carolina is recognized for real accountability and high standards. But accountability is simply enforcing those standards and rewarding those who meet the standards and sanctioning those who don't. But we are simply not doing enough to help our students reach those standards. We can set all the standards we want and we can demand all the accountability we like, but unless we have those tools in place to help students learn more, they're not going to improve. Pre-k and lower class size are the tools that we need that we know work. If you give good teachers lower class sizes, they'll give you higher test scores. That much I guarantee you. But, they must be good teachers. That's why we must invest in the Teaching Fellows Program. It's based on a very simple principle. We pay teachers to go to school and they pay us back by teaching school. It helps us get and keep high-quality educators. Now the fun part. There's no free lunch. It takes revenue and I'm not talking about pocket change you find under the seats of the couches. Trust me, I've been there and I've gotten all that, and I didn't find any at the Governor's office. You're not going to find much over here, either. But in this tight fiscal environment, it's going to take some creative solutions to continue funding real progress in education. The truth is, North Carolina is already funding smaller classes and educational improvements. Unfortunately, we're funding them in other states - in Virginia, in Georgia, and soon South Carolina and Tennessee. We're spending hundreds of millions of dollars - North Carolina dollars - to build new schools in other states while we're packing our kids in trailers here at home. We are the only state that plays the lottery and gives away the proceeds, and I want to keep North Carolina's money in North Carolina's schools for North Carolina's children. Those resources should be here! There's Senator Edwards, who I want to thank for being here tonight, he sees it going on all over the country. And I'm tired of seeing our money go out of this state. But now I'm not saying a lottery for education is the only solution. It's just one solution and if anyone here, or anyone in the whole wide world has a better idea - another way to find the $400-$500 million for education, then I'm open to it. Show me the money. But you can't just say 'I am against a lottery for education'. You have to finish the sentence. Tell me what you're for, because next year 100,000 five-year-olds are going to show up at the schoolhouse door and they deserve more than an overcrowded classroom and an underpaid and overworked teacher. They deserve to know what we are for -- that we stand for a system that works for all children -- no achievement gaps, no excuses. I want to be evenhanded about this, and those of you who strongly oppose the lottery, I can provide you with four governors who will stand with you at a press conference and say that North Carolina should have no lottery for education or any other reason. They're the governors of South Carolina, Tennessee, Virginia and Georgia. They want to keep our money coming to their state.

"Now, we can do a lot with education that doesn't take much money. I talked earlier about four parts of education. There is another part that I believe is just as critical, if not more so, and that's parental involvement. As parents, we must make it a priority to be a part of our child's education. Let's put school accountability report cards in every household to tell parents exactly how many children are in their child's class and whether the teacher is certified in the subjects that they're teaching. That will get parents informed,

empowered and involved. And, you know, we like to believe that children are taught respect, responsibility and character at home and in church, but the sad truth is so many of them are not. And, if they don't learn it at the schoolhouse, the next stop is the courthouse. I'm asking school boards across the state to implement a plan for character education to educate our children's hearts as well as their minds. It is working well in many counties in North Carolina. We can expand character education to every county in North Carolina. Our schools don't need students showing up in clothes laced with profanity. I'm asking every school board to enforce a reasonable dress code policy. I'm not talking about uniforms; we'll leave the dress codes up to the schools. Students come to school to learn, not to party, and the dress code ought to reflect that. Lastly, we're going to put more discipline in our classrooms so that those students who want to learn can learn. No parent should ever have to take their child out of a state supported public school because they fear for their child's safety, and no teacher should ever be asked to tolerate disrespect. So tonight, I am directing funds from the Governor's Crime Commission to establish more alternative schools across North Carolina. Right now there are over 7,000 students suspended or expelled each year who have no education option or solution. None at all. When we expel a student, they don't go away, they just leave school and they take their troubles to the streets. We have to be smarter about the way we deal with troubled kids or they'll just become problem adults and we'll deal with them in jail, and that's expensive. The truth is, we have a lot to do to improve our schools. Our schools can't be below average by any measure. We don't have below average children. They don't have below average ambitions, and we can't tolerate below average schools. We owe our students results. We owe North Carolina's future results - not excuses.

"There's no excuse for families being denied basic patients' rights - especially when they are paying for those rights. Tomorrow, we're introducing a Patients' Bill of Rights - bipartisan - that many of you have been working for. It will protect patients' rights and it will make our principle very clear. If an insurer denies access to its consumers and that denial results in injury then they must face the consequences just as a doctor, nurse or hospital does. Those insurers who are trying to limit your medical treatment have to accept the accountability as well as profit. And we'll have a prescription drug plan for our seniors. The rising cost of medication has caused too many, far too many, to choose between pain medication and antibiotics. The result is they end up sick, in the hospital - more cost for us, more suffering for them. We have the funds available from a portion of the tobacco settlement that you set aside to help our seniors, the greatest generation, those who fought World War II and the Korean War. They were there for us when we needed them and we're going to be there for them now that they need us. No excuses.

"Now, whether children, seniors or working families, we won't leave anyone behind in One North Carolina. Every citizen of every age and every location must be included in our one state - the young like the old, the rural and the urban, large cities as well as small towns. And as the new economy demands more technology, so must we teach it. As the new economy requires lifelong learning, we will provide it. For technology will not replace those enterprises and industries that have built this state and made it great. It will enhance them. We must be willing to make smart and targeted investments to attract new and better jobs. But we must close revenue loopholes that defy good business practice and fly in the face of fundamental fairness. I've asked former Treasurer Harlan Boyles to chair a commission to review tax incentives that cannot be justified in our current economic condition. The rule is pretty simple. This is one case I had to argue before the Supreme Court, and the question is: 'Is it a public purpose?' If it works for businesses and working families, it's a public purpose. If it just works for businesses, then it's not. And as we expand our economy to all of North Carolina, to every citizen in every region, we have to resist that temptation that's always there, to trade short-term economic gain for long-term environmental harm. We in North Carolina see the environment differently; it's not some

abstract issue to us. We see the water as something the fisherman fish, the land as something that our farmers till and the air as something we all must breathe. Our environmental laws must be strengthened and they must be enforced. Now, I have proposed Truth in Penalties so that environmental fines can no longer be manipulated. These laws will be clear, they will be understandable and they will be consistent. And I urge you to continue the moratorium on open-air hog lagoons as we all work together to develop an affordable technology to replace them.

"As I close tonight, I ask you to set your sights high - high above the horizon, and remember your heritage and those eight million people - those people that you 170 are so fortunate and honored to represent. North Carolina was founded more than 400 years ago by pioneers who dared to search for a dream. Our state was built by the sweat and the grit and resolve of generations who dared to be the best. They made no excuses. That same spirit and that determination has stayed with us all these years. In the spirit that they brought to this land, let us go forward. It's the same spirit that led us to fly the first plane here in North Carolina. It's the spirit that helped us build the first and the finest state university. It's the spirit that drives you and me to work for the people, and it's the same spirit that will help us create One North Carolina. Let our accomplishments over the next four years, let them be remembered not as products of my administration, but as the legacy of this Legislature, the people's Legislature, one that was willing to be bold and aggressive, the '01 Legislature. And yes, we're going to have to make some tough calls, and some controversial decisions and take some political risks. I don't have to be in the Governor's office and you don't have to be in the General Assembly. But next year, five-year-olds have to be in kindergarten and six-year-olds have to be in the first grade. And these young minds are perishable commodities we can't just set on a shelf for two years. We have to act this year! So I say to you tonight, if we're going to be representatives of the people, then let's represent the people. If we're going to lead the State, then let's lead the State. We are not going to get there by being timid or cautious. We're going to get there by being bold and being aggressive and working together.

"Friends, I ran for Governor because I wanted to make sure that the working men and women of this state, those people who get up early, fight the traffic, pay the bills, wash the dishes, educate the kids, that they have a champion in Raleigh. They do in me, and I believe they do in you.

"So I pledge tonight that I'll fight as hard as I can for you, and I'll fight as hard as I can for North Carolina. I ask you to join me. Thank you, and God Bless North Carolina"

The Escort Committee is recognized to escort Governor Easley from the Hall of the House of Representatives, who departs to a standing ovation.

Upon motion of Senator Basnight, seconded by Senator Odom, the Joint Session is dissolved, and pursuant to the motion prevailing earlier in the Senate, the Senate adjourns to reconvene tomorrow, Tuesday, February 20, at 3:00 P.M.

SIXTEENTH DAY

Senate Chamber
Tuesday, February 20, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"From the book, Children's Letters To God, we have the following prayer: 'Dear God, how come you did all those miracles in the old days and don't do any now?' Your Friend, Seymour.

"In light of the budget deficit and Governor Easley's worthy, yet challenging goals for our State, I believe the Senators would not be ashamed to offer their own prayers, like Seymour, for *fresh* evidence of a miracle or two. Miracles described in holy scripture were not magic tricks, but the result of faithful labors of love. Defined that way, miracles *are* possible to those who have faith. We believe, O God, help our unbelief. Amen"

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Walter Averel Ward, Jr. from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Kim Barkley from Archdale, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, AND TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3564, which changes the title to read **S.B. 2** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT A SUCCESSOR SUBJECT TO CONFIRMATION, AND TO PROVIDE THAT THE PROCEDURES FOR REMOVAL OF THE LIEUTENANT GOVERNOR ARE THE SAME AS THOSE FOR REMOVAL OF THE GOVERNOR, is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 168, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CEASE AND DESIST PROVISIONS IN THE HMO LAWS, with an unfavorable report as to bill, but

favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3568, which changes the title to read **S.B. 168** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE PENALTIES AND ENFORCEMENT PROVISIONS IN THE HMO LAWS, is adopted and engrossed.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Lee:

S.B. 184, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 185, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 186, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kinnaird; Clodfelter, Hagan, Lee, Rand, and Warren:

S.B. 187, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO INCREASE THE FEE CHARGED NONRESIDENTS FOR SEARCHES OF ARCHIVED PUBLIC RECORDS.

Referred to **Finance Committee**.

By Senators Kinnaird; Ballance, Bingham, Carpenter, Carter, Cunningham, Dannelly, Forrester, Garrou, Garwood, Gulley, Kerr, Lucas, Martin of Guilford, Miller, Shaw of Guilford, Soles, Warren, and Wellons:

S.B. 188, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kinnaird; Clodfelter, Lee, Rand, Warren, and Wellons:

S.B. 189, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR COMPLETION OF THE INFORMATION TECHNOLOGY EXPANSION PROJECT AND THE INFORMATION RESOURCE MANAGEMENT COMMISSION PROJECT CERTIFICATION.

Referred to **Appropriations/Base Budget Committee**.

APPOINTMENT BY THE GOVERNOR

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

January 23, 2001

The Honorable Marc Basnight, President *Pro Tempore*
North Carolina Senate
Legislative Office Building
2007 Legislative Building
Raleigh, North Carolina 27601-2808

Dear Marc:

I write to notify you of the resignation of Commissioner William R. Pittman from the North Carolina Utilities Commission, effective January 24, 2001. He has served with distinction, and leaves the Commission without a key number between now and the expiration of his term on June 30 of this year.

Pursuant to the terms of G.S. 62-10(f) and (g), and in recognition of the urgency of filling this vacancy immediately due to the Commission's workload, I hereby appoint Lorinzo Little Joyner to the vacancy created by Commissioner Pittman's resignation. This allows her to be sworn and to serve on an interim basis, pending confirmation by the General Assembly.

Additionally, pursuant to G.S. 62-10(a), I also appoint Ms. Joyner to serve the eight-year term, beginning July 1, 2001, for the seat currently held by Commissioner Pittman. This appointment is also subject to confirmation by the General Assembly.

Thank you for your continued hard work for the citizens of North Carolina and I look forward to working with you during the 2001 legislative session.

With warmest personal regard, I remain

Very truly yours,
S/ Michael F. Easley

Referred to the **Commerce Committee**.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows *(See Appendix.)*:

Executive Order No. 3, Budget Administration.

RECOGNITION OF FORMER LIEUTENANT GOVERNOR DENNIS WICKER

Upon motion of Senator Basnight, privileges of the floor are extended to former Lieutenant Governor Dennis Wicker. Senators Ballance, Harris, Hartsell, Kerr, Lucas, Shaw of Guilford and Soles are appointed to escort Lieutenant Governor Wicker to the Well of the Senate, where Senator Basnight presents him with gifts from members of the Senate in appreciation of his service to the North Carolina Senate.

The President extends the courtesies of the gallery to Alisa Wicker, wife of former Lieutenant Governor Dennis Wicker; and his friends and staff.

ADDITIONAL SPONSOR

Senator Foxx requests to be added as a sponsor of previously introduced legislation:

S.B. 164, A BILL TO BE ENTITLED AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE AND TO AMEND THE LAW PROVIDING COMPENSATION TO THE PERSON FOR A WRONGFUL CONVICTION.

Upon motion of Senator Basnight, seconded by Senator Reeves, the Senate adjourns at 3:30 P.M. to meet tomorrow, Wednesday, February 21, at 1:00 P.M.

SEVENTEENTH DAY

Senate Chamber
Wednesday, February 21, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, thought it may not often seem so, remind the women and men of the Senate that there is much more to the business at hand here than just appropriations and numbers. The work of the Senate has a soul. In all the work You give them to do, give them good to do in their work to your glory, O God, and for human good. Amen."

The Chair grants leaves of absence for today to Senator Garwood, Senator Martin of Pitt and Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Henry Izurieta from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Carol Eatman from Rocky Mount, North Carolina, who is serving the Senate as Nurse of the Day.

The President extends privileges of the floor to Mary Odom, former Senator from Scotland County.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Dalton for the **Education/Higher Education Committee**.

S.R. 103, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to Senate resolution, but favorable as to Committee Substitute Senate resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute Senate resolution 3578 is adopted and engrossed.

Upon motion of Senator Dalton, the rules are suspended and the Committee Substitute Senate resolution is placed at the end of today's Calendar.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Weinstein:

S.B. 190, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LUMBERTON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Weinstein:

S.B. 191, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LUMBERTON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Weinstein:

S.B. 192, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Weinstein:

S.B. 193, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Weinstein:

S.B. 194, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 195, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE

CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST.

Referred to **Health Care Committee**.

By Senator Warren:

S.B. 196, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Warren; Carpenter, Clodfelter, Dalton, Foxx, Kinnaird, Lucas, Metcalf, Miller, Moore, Purcell, Robinson, Soles, Swindell, Thomas, Weinstein and Wellons:

S.B. 197, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AID TO PUBLIC LIBRARIES FUND.

Referred to **Appropriations/Base Budget Committee**.

By Senator Warren:

S.B. 198, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Shaw of Cumberland for the **Transportation Committee**.

S.B. 29, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE, with a favorable report.

Upon motion of Senator Ballantine, the rules are suspended and the bill is placed at the end of today's Calendar.

S.B. 148, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT MEMORIAL SIGNS ALONG HIGHWAYS FOR STATE HIGHWAY PATROL MEMBERS AND OTHER LAW ENFORCEMENT PERSONNEL KILLED IN THE LINE OF DUTY, with a favorable report.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan for the **Judiciary II Committee**.

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES, with a favorable report.

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3574 is adopted and engrossed.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT A SUCCESSOR SUBJECT TO CONFIRMATION, AND TO PROVIDE THAT THE PROCEDURES FOR REMOVAL OF THE LIEUTENANT GOVERNOR ARE THE SAME AS THOSE FOR REMOVAL OF THE GOVERNOR.

The Chair grants a leave of absence for the remainder of today's session to Senator Horton.

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Lee, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—39.

Voting in the negative: Ballance, Dannelly, Kerr, Kinnaird, Lucas, Shaw of Cumberland and Webster—7.

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, February 21, upon third reading.

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE PENALTIES AND ENFORCEMENT PROVISIONS IN THE HMO LAWS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 29, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE

HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY OR CONSTRUCTION OF A CORNING ACCESS BRIDGE, placed earlier today on today's calendar.

The bill passes its second (46-0) and third readings and is ordered, without objection, sent by special message to the House of Representatives.

S.R. 103 (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, placed earlier today on today's Calendar, for adoption.

Upon motion of Senator Dalton, the Senate resolution is adopted (43-2).

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Erin Elizabeth Best, Durham; Christy Bulich, Southport; Daniel Chaffin, Southport; Jesse Chaffin, Southport; Alisa Echstenkamper, Durham; David Gouch, Buies Creek; Matthew Hallsey, Clemmons; Amber Harden, Shelby; Johnna Marie Hinton, Apex; Meghann McJunkin, Candler; Anna Nicole Pollard, Hillsborough; Jennifer C. Pothoven, Durham; Jared N. Reminsky, Cornelius; William G. M. Schwarzer, Hatteras; David William Slone, Lincolnton; David James Suffern, Chapel Hill; Casey S. Townsend, Bolivia; Jeffrey D. Watters, Jr., Fayetteville; Scott White, Newton; Laura Elizabeth Woodbury, Southport and Nathaniel Wynn, Raleigh.

WITHDRAWAL FROM CALENDAR

Without objection, upon motion of Senator Rand, all bills on the Calendar for Thursday, February 22, will be placed on the Calendar for Tuesday, February 27.

Upon motion of Senator Ballance, seconded by Senator Moore, the Senate adjourns at 1:55 P.M. to meet tomorrow, Thursday, February 22, at 11:00 A.M.

EIGHTEENTH DAY

Senate Chamber
Thursday, February 22, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the first American history lesson most of us remember learning was about George Washington (whose birthday it is) 'fessing' up to cutting down the family cherry tree. As I grew older I began to think the whole story a myth perpetuated by parents in order to keep their children honest, that is until I read this quote by the adult Washington.

"He said: 'I hope I shall always possess firmness and virtue enough to maintain what I consider the most enviable of all titles, the character of an 'Honest Man'.'

"Even though we've all chopped down a few cherry trees, scripture says the truth shall set us free! May we never hide the truth, for truth needs no defense. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Gulley, Senator Moore, Senator Rand, and Senator Reeves.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, February 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Sarveshwara Rao Sathiraju from Rutherford College, North Carolina, who is serving the Senate as Doctor of the Day, and to Jane Campell from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Wellons, Purcell, Forrester; Albertson, Allran, Ballance, Carpenter, Carter, Cunningham, Dalton, Garrou, Garwood, Gulley, Harris, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren and Weinstein:

S.B. 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A MANAGED CARE OMBUDSMAN PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Martin of Guilford, Dannelly, Garwood; Ballance, Gulley, Jordan, Kinnaird, Lee, Lucas, Shaw of Cumberland:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A HOT LINE FOR THE COLLECTION OF COMPLAINTS ALLEGING DISPARATE TREATMENT OF MINORITY STUDENTS AND STUDENTS FROM LOW-INCOME FAMILIES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Martin of Guilford, Dannelly, Garwood; Ballance, Gulley, Jordan, Kinnaird, Lee, Lucas and Shaw of Cumberland:

S.B. 201, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCHOOL ACCOUNTABILITY MODEL TO TAKE INTO ACCOUNT A CLOSING THE GAP COMPONENT, TO DIRECT SCHOOL SYSTEMS TO IDENTIFY STUDENTS WHO HAVE BEEN PLACED AT RISK OF ACADEMIC SCHOOL FAILURE AND IMPLEMENT PERSONAL EDUCATION PLANS FOR THOSE STUDENTS, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES FOR SCHOOL SYSTEMS TO ESTABLISH LOCAL TASK FORCES ON CLOSING THE

ACHIEVEMENT GAP, TO REQUIRE PRINCIPALS TO CONSIDER INFORMATION IN ADDITION TO STATE TEST RESULTS WHEN MAKING STUDENT PROMOTION DECISIONS, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE CULTURALLY DIVERSE OBJECTIVES AND ACTIVITIES AS PART OF ITS CURRICULUM REVISIONS, TO REQUIRE THE EMPLOYMENT OF TEACHERS OR INSTRUCTIONAL SUPPORT PERSONNEL WHO SPEAK THE LANGUAGE OF NON-ENGLISH-SPEAKING STUDENTS WHEN THERE IS A SUBSTANTIAL POPULATION OF THOSE STUDENTS IN A SCHOOL, TO MAKE PERMANENT THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS, TO DIRECT THE STATE BOARD OF EDUCATION TO REPORT IN A DISAGGREGATED MANNER DROPOUT RATES, SUSPENSIONS, EXPULSIONS, AND ALTERNATIVE PLACEMENTS, AND TO APPROPRIATE FUNDS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Albertson; and Shaw of Guilford:

S.B. 202, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Albertson; and Shaw of Guilford:

S.B. 203, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF FUNDS THAT MAY BE USED TO ADMINISTER THE FISHERIES RESOURCE GRANT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Albertson; and Shaw of Guilford:

S.B. 204, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Albertson; and Shaw of Guilford:

S.B. 205, A BILL TO BE ENTITLED AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Plyler, Purcell, Albertson, Hoyle, Rand, Metcalf, Lee, Odom, Dalton, Wellons, Soles, Garrou, Thomas; Bingham, Carpenter, Forrester, Garwood, Gulley, Hagan, Hartsell, Horton, Martin of Pitt, Miller, Robinson, and Weinstein:

S.B. 206, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

Referred to **Transportation Committee**.

By Senators Clodfelter; Gulley, Kinnaird, Reeves:

S.B. 207, A BILL TO BE ENTITLED AN ACT RELATING TO PROPERTY TAX VALUATION OF LOW- AND MODERATE-INCOME HOUSING.

Referred to **Finance Committee**.

By Senators Clodfelter; and Kinnaird:

S.B. 208, A BILL TO BE ENTITLED AN ACT LIMITING THE TIME FOR THE START AND COMPLETION OF AN UNDEVELOPED AREA IN A CEMETERY IN WHICH SALES HAVE BEEN MADE FOR GRAVE SPACES.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; Dalton, Gulley, Kinnaird, and Odom:

S.B. 209, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 210, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; and Hartsell:

S.B. 211, A BILL TO BE ENTITLED AN ACT TO REPEAL ARTICLE 6 OF THE UNIFORM COMMERCIAL CODE RELATING TO BULK TRANSFERS AND TO ENACT CONFORMING AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER SECTIONS OF THE GENERAL STATUTES.

Referred to **Judiciary I Committee**.

By Senators Soles, Ballantine, Jordan, Wellons and Allran:

S.B. 212, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE TO STUDY ISSUES RELATED TO INSURANCE AVAILABILITY IN BEACH AND COASTAL AREAS; TO REQUEST THE LEGISLATIVE RESEARCH COMMISSION, IN ESTABLISHING THE STUDY COMMITTEE, TO RECONSTITUTE THE SAME MEMBERSHIP AS THAT APPOINTED FOR THE STUDY COMMITTEE IN THE 2000 INTERIM; AND TO APPROPRIATE FUNDS AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 213, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE REPLACEMENT OF AIR CONDITIONING UNITS AT THE CHADBOURN CIVIC CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senator Rucho:

S.B. 214, A BILL TO BE ENTITLED AN ACT TO ADD TWO AT-LARGE MEMBERS TO THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION AND TO THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY.

Referred to **State and Local Government Committee**.

By Senators Rucho; Ballance, Ballantine, Bingham, Clodfelter, Forrester, Foxx, Garwood, Horton, Hoyle, Kinnaird, Moore, Shaw of Guilford and Weinstein:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PREKINDERGARTEN PROGRAM TO ENSURE THAT ALL CHILDREN HAVE AN OPPORTUNITY TO SUCCEED IN KINDERGARTEN.

Referred to **Education/Higher Education Committee** and if favorable, re-referred to **Appropriations/Base Budget Committee**.

By Senators Hoyle and Forrester:

S.B. 216, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAPITAL AND OPERATIONAL COSTS OF ESTABLISHING THE MOUNTAIN ISLAND EDUCATIONAL STATE FOREST TO BE LOCATED IN LINCOLN AND GASTON COUNTIES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 217, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 218, A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR THE ESTABLISHMENT AND MAINTENANCE OF EXTERNAL REVIEW PROCEDURES IN HEALTH INSURANCE AND MANAGED CARE TO ASSURE THAT COVERED PERSONS HAVE THE OPPORTUNITY FOR AN INDEPENDENT REVIEW OF A HEALTH BENEFIT PLAN COVERAGE DECISION MADE BY THE INSURER OR MANAGED CARE PLAN AND TO MAKE CONFORMING AMENDMENTS TO EXISTING LAWS ON UTILIZATION REVIEW AND GRIEVANCES.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Hartsell:

S.B. 219, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 220, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 221, A BILL TO BE ENTITLED AN ACT TO EXEMPT EMPLOYEES OF A PUBLIC HEALTH AUTHORITY FROM CHAPTER 126 OF THE GENERAL STATUTES AND TO MAKE CONFORMING CHANGES TO CHAPTER 126.

Referred to **Judiciary I Committee**.

By Senator Hartsell:
S.B. 222, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:
S.B. 223, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:
S.B. 224, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:
S.B. 225, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CABARRUS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Guilford:
S.B. 226, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DNA SAMPLE SHALL BE TAKEN FROM ANY PERSON WHO IS CONVICTED OF A FELONY OR WHO IS FOUND NOT GUILTY OF A FELONY BY REASON OF INSANITY AND TO MAKE CONFORMING STATUTORY CHANGES.
Referred to **Judiciary I Committee**.

By Senators Albertson; Carter, Clodfelter, Dalton, Dannelly, Hoyle, Kerr, Martin of Guilford, Miller, Purcell, Rand, Rucho, Warren and Weinstein:
S.B. 227, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY THE FEASIBILITY OF ESTABLISHING A STATE MILITARY MUSEUM.
Referred to **Appropriations/Base Budget Committee**.

By Senators Reeves, Cunningham; Allran, Ballantine, Berger, Foxx, Hartsell, and Rucho:
S.B. 228, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADDITIONAL INCOME TAX DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.
Referred to **Finance Committee**.

By Senator Ballantine:
S.B. 229, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballantine:
S.B. 230, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballantine:
S.B. 231, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH

SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Ballantine; and Thomas:
S.B. 232, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RECOVERY AND CONSERVATION OF ARTIFACTS FROM THE QUEEN ANNE'S REVENGE.
Referred to **Appropriations/Base Budget Committee**.

By Senators Ballantine; and Thomas:
S.B. 233, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE NORTH CAROLINA AQUARIUM AT PINE KNOLL SHORES.
Referred to **Appropriations/Base Budget Committee**.

By Senator Kerr:
S.B. 234, A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 2001.
Referred to **Finance Committee**.

By Senators Hoyle; Albertson, Bingham, Carrington, Forrester, Gulley, Horton and Kerr:
S.B. 235, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS.
Referred to **Education/Higher Education Committee**.

By Senator Hoyle:
S.B. 236, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON BONDS OUTSTANDING FOR THE HOUSING FINANCE AGENCY.
Referred to **Finance Committee**.

By Senator Hartsell:
S.B. 237, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE STATEWIDE APPLICATION OF G.S. 24-9 WHICH PROHIBITS CERTAIN BUSINESS ENTITIES FROM ASSERTING THE DEFENSE OF USURY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to **Judiciary I Committee**.

By Senator Hartsell:
S.B. 238, A BILL TO BE ENTITLED AN ACT RELATING TO THE TOWN OF MIDLAND.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:
S.B. 239, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GREENSBORO.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:
S.B. 240, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF

GREENSBORO.

Referred to **Rules and Operations of the Senate Committee**.

The Chair grants a leave of absence for the remainder of today's session to Senator Ballantine.

The President relinquishes the gavel to Senator Ballance, Deputy President Pro Tempore, who presides in the absence of the Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION OF PUBLIC SCHOOL BUSES, with a favorable report, which is placed on the Calendar for Tuesday, February 27.

S.B. 67, A BILL TO BE ENTITLED AN ACT TO ALLOW THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO CHANGE THE NAME OF THAT COMMITTEE ACCORDINGLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, with a favorable report, which is placed on the Calendar for Tuesday, February 27.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 139, A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER.

Referred to **Rules and Operations of the Senate Committee**.

REPORT TO THE GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report which is ordered placed on file in the Legislative Library, as follows:

The Office of the Commissioner of Banks submits to the General Assembly the Report on Payday Lending, February 22, 2001.

Upon motion of Senator Soles, seconded by Senator Plyler, the Senate adjourns at 11:20 A.M. to meet Monday, February 26, at 7:00 P.M.

NINETEENTH DAY

Senate Chamber
Monday, February 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, at the beginning of a new week we pray for those whose circumstances are so difficult that they find themselves counting life by the minute until relief is in sight.

"We, on the other hand, are blessed with the opportunity and means to help others. Because you have given us so much we do not have to count time by the minute, but are obliged to make every minute count.

"In all that we do this week, let us spend our time putting others before self, principle above reputation, right before interest and You before all else. To your glory we pray, Amen."

The President *Pro Tempore* grants leaves of absence for tonight to Senator Hagan, Senator Hoyle and Senator Moore.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, February 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* extends courtesies of the floor to Dr. Robert Powell Majors, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

A joint resolution is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.J.R. 139 (Committee Substitute), A JOINT RESOLUTION HONORING THE BUFFALO SOLDIERS OF THE FRONTIER, with an unfavorable report as to Committee Substitute joint resolution, but favorable as to Senate Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute joint resolution 3576, which changes the title, upon concurrence, to read **H.J.R. 139** (Senate Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE BUFFALO SOLDIERS OF THE FRONTIER, is adopted and engrossed.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Dalton, Reeves; Hoyle, Purcell and Wellons:

S.B. 241, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Dalton, Hartsell, Hoyle and Kerr:

S.B. 242, A BILL TO BE ENTITLED AN ACT TO EQUALIZE THE FRANCHISE TAX TREATMENT OF ENTITIES ORGANIZED AS CORPORATIONS AND ENTITIES TAXED AS CORPORATIONS UNDER FEDERAL LAW AND TO CLARIFY THE FRANCHISE TAX LIABILITY OF CORPORATIONS THAT OWN ENTITIES THAT ARE DISREGARDED FOR TAX PURPOSES.

Referred to **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

Referred to **State and Local Government Committee**.

By Senators Cunningham; Albertson and Forrester:

S.B. 244, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR CONSTRUCTION OF PHASE II OF THE CATTLE AND LIVESTOCK EXPOSITION CENTER IN IREDELL COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO TAXATION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 246, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO TAXATION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 247, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO GOVERNMENT FINANCE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 248, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO TAXATION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 249, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING

TO GOVERNMENT FINANCE.

Referred to **Rules and Operations of the Senate Committee**.

RECOGNITION OF DR. E. B. PALMER, SR.

With unanimous consent, upon motion of Senator Ballance, the privileges of the floor are extended to Dr. E. B. Palmer, Sr., CEO and founder of the African American Culture Complex. Senator Ballance, Senator Dannelly, Senator Garwood, Senator Jordan, Senator Lucas, Senator Miller and Senator Reeves are appointed to escort him to the Well of the Senate.

The President *Pro Tempore* recognizes Dr. Palmer, who addresses the Senate. The Committee is recognized to escort Dr. Palmer from the Chamber, who departs to a standing ovation.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Summer Al-Abdalli, Raleigh; Jackson Raz Autry, Fayetteville; Warren Crider, Garner; Randolph M. W. Davidson, Raleigh; Angela Lynne Davis, Hope Mills; Charmyles E. Garner, Jr., Raleigh; Stefan Gruber, Raleigh; Kevin Hassell, Columbia; Sara Jane Jennette, Elizabeth City; Alycia Jones, Garner; Paul Robert Kornegay, Calypso; Hilary McCall, Point Harbor; Terika A. Sidney, Fuquay-Varina; Amy Rebecca Simmons, Raleigh; Jacob E. Stockwell, Raleigh; and Melissa Young, Garner.

Upon motion of Senator Ballance, seconded by Senator Soles, the Senate adjourns at 7:28 P.M. to meet tomorrow, Tuesday, February 27, at 3:00 P.M.

TWENTIETH DAY

Senate Chamber
Tuesday, February 27, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, the person who said 'Dream great and important dreams' has not dealt with the reality of sending such a dream to bill drafting, having it numbered, then sending it out for signatures, debate, appropriations and re-appropriations.

"When we encourage the men and women in this place to keep dreaming great dreams, we also ask, O God, that you give them resiliency and courage for the process. Guard, protect and nurture the dreams of each Senator without restraint, until their time has come. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, February 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jugta Kahai from Oak Island, North Carolina, who is serving the Senate as Doctor of the Day, and to Carol Lemonds from Troy, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO USE ANNUAL POPULATION ESTIMATES RATHER THAN THE DECENNIAL CENSUS WHEN DETERMINING ELIGIBILITY FOR INCORPORATION OF NEW MUNICIPALITIES WHICH ARE IN PROXIMITY TO EXISTING MUNICIPALITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3586, which changes the title to read **S.B. 12** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO USE ANNUAL POPULATION ESTIMATES RATHER THAN THE DECENNIAL CENSUS WHEN DETERMINING ELIGIBILITY FOR INCORPORATION OF NEW MUNICIPALITIES WHICH ARE IN PROXIMITY TO EXISTING MUNICIPALITIES, is adopted and engrossed.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hoyle; and Forrester:

S.B. 250, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE RADIO STATION AT GASTON COLLEGE.

Referred to **Appropriations/Base Budget Committee**.

By Senator Weinstein:

S.B. 251, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SIGNAGE FOR THE LUMBERTON FARMERS MARKET.

Referred to **Appropriations/Base Budget Committee**.

By Senators Martin of Guilford, Carpenter; Purcell and Robinson:

S.B. 252, A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.

Referred to **Judiciary II Committee**.

By Senators Horton, Garrou; and Bingham:

S.B. 253, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE SCIENCE CENTER AND ENVIRONMENTAL PARK OF FORSYTH COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Harris:

S.J.R. 254, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE

TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT TOWN.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 256, A BILL TO BE ENTITLED AN ACT TO EXPAND PRESENT-USE VALUE CLASSIFICATION TO CERTAIN BUSINESS ENTITIES AND TO CLARIFY THE OWNERSHIP REQUIREMENTS FOR PRESENT-USE VALUE CLASSIFICATION.

Referred to **Finance Committee**.

By Senator Hartsell:

S.B. 257, A BILL TO BE ENTITLED AN ACT TO REVISE ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AGAINST PUBLIC EMPLOYEES OR OFFICIALS.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 258, A BILL TO BE ENTITLED AN ACT TO REQUIRE RESCISSION OFFERS TO BE FILED WITH THE SECRETARY OF STATE.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 259, A BILL TO BE ENTITLED AN ACT TO AMEND THE SECURITIES DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION.

Referred to **Judiciary I Committee**.

By Senators Jordan; Ballance, Dannelly, Lucas, and Martin of Guilford:

S.B. 260, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE REVIEW OF DISPARITIES IN HIRING, COMPENSATION, ADVANCEMENT, AND RETENTION ACROSS DEMOGRAPHIC GROUPS WITHIN STATE GOVERNMENT EMPLOYMENT.

Referred to **State and Local Government Committee**.

By Senators Albertson; Carpenter, Carter, Dalton, Garwood, Gulley, Harris, Hartsell, Kerr, Lucas, Martin of Guilford, Metcalf, Plyler, Purcell, Robinson, Swindell, Warren, Weinstein and Wellons:

S.B. 261, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL CROPS AND PLANTS.

Referred to **Judiciary I Committee**.

By Senators Rand; Clodfelter, Dalton, Garrou, Gulley, Hartsell, Horton, Kerr, Miller, Odom, Plyler, Reeves, Soles, Weinstein and Wellons:

S.B. 262, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WRONGFULLY CHARGED WITH A CRIMINAL OFFENSE BECAUSE OF

IDENTITY FRAUD SHALL AUTOMATICALLY HAVE HIS OR HER RECORD EXPUNGED.

Referred to **Judiciary I Committee**.

By Senators Kinnaird; and Lucas:

S.B. 263, A BILL TO BE ENTITLED AN ACT RELATING TO CRIMINAL PENALTIES FOR PRIVATE SEXUAL ACTIVITY BETWEEN CONSENTING ADULTS.

Referred to **Judiciary II Committee**.

By Senators Kinnaird; Allran, Clodfelter, Forrester, Lucas, Martin of Guilford, Miller, Odom, Rand and Warren:

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER.

Referred to **State and Local Government Committee**.

By Senator Kinnaird; Allran, Clodfelter, Forrester, Gulley, Lee, Lucas, Martin of Guilford, Miller, Odom, Shaw of Cumberland and Warren:

S.B. 265, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING NONHAZARDOUS SOLID WASTE MANAGEMENT BY PROHIBITING THE DEPARTMENT OF TRANSPORTATION FROM BURNING YARD TRASH AND OTHER ORGANIC SOLID WASTE IN HIGHWAY CONSTRUCTION AND MAINTENANCE PROJECTS AND REQUIRING THE DEPARTMENT OF TRANSPORTATION TO RECYCLE OR REUSE THIS WASTE.

Referred to **Transportation Committee**.

INTRODUCTION OF A RESOLUTION

Senator Dalton offers a motion that Rule 40 be suspended to allow the introduction of the following resolution, which was filed today, which motion prevails by a two-thirds majority vote.

By Senators Dalton, Carter and Lucas:

S.R. 267, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE AT-LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Education/Higher Education Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND BY ADDING THE ATTORNEY GENERAL TO THE STATE ADVISORY COUNCIL.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 45, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION

OF PUBLIC SCHOOL BUSES.

Senator Wellons offers Amendment No. 1 which is adopted (50-0).

The bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 67, A BILL TO BE ENTITLED AN ACT TO ALLOW THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO CHANGE THE NAME OF THAT COMMITTEE ACCORDINGLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 119, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT JUDGES.

The bill passes its second (36-14) and third readings and is ordered sent to the House of Representatives.

S.B. 148, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT MEMORIAL SIGNS ALONG HIGHWAYS FOR STATE HIGHWAY PATROL MEMBERS AND OTHER LAW ENFORCEMENT PERSONNEL KILLED IN THE LINE OF DUTY.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.J.R. 139 (Senate Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF THE BUFFALO SOLDIERS OF THE FRONTIER.

Upon motion of Senator Dannelly, the joint resolution is read in its entirety.

Upon motion of Senator Shaw of Cumberland, the remarks of the Members are spread upon the Journal, as follows:

Senator Horton:

"Thank you, Madame President. This is a resolution that came from the House, offered by our colleague from Forsyth County, Representative Larry Womble. It involves a recognition of black soldiers. The Buffalo Soldiers were after the War Between the States. They were organized as a separate unit, largely as a myth that we have had in this country for a long time that has now finally been exploded, and that was that blacks did not lend themselves to disciplined army operations. For that reason they weren't being used in the War Between the States initially, and then it turned out, by golly, that they were among the best soldiers on either side. As your resolution indicates, 180,000 served in the Northern armies during the War for Southern Independence, and it turned out on March 13, 1865, Jefferson Davis authorized the enlistment of black soldiers into the Confederate armies. In this case he was a little late, because they had already been fighting alongside the Confederate Armies. At the Battle of Antietam, Stonewall Jackson had 3,000 fully equipped and armed black troops fighting for the South. Nathan Bedford Forrest had a number of others and is quoted as saying: 'These boys stood with me,' and 'better Confederates did not live.' An estimated sixty to ninety thousand served in gray uniforms during the War Between the States and should have laid aside forever this myth that blacks could not be disciplined and used as an army. But then, after the war, things went back, and it took the Buffalo Soldiers to show what valor could be. These were

organized to fight the Indians in the western part of the United States, and one case in 1867, less than 70 repulsed 900 Indians and Mexican bandits combined. They become so well known as fierce fighters that the Indians called them the Buffalo Soldiers, because they were such tough, immense creatures and took to the plains so well. In 1992, Colin Powell made a monument to the memory of the Buffalo Soldiers at Fort Leavenworth, which was their last place of assignment. The Buffalo Soldiers and this resolution remind us of a time and of a people among whom uncommon valor was a common occurrence."

Senator Garrou:

"Thank you. I want to join my colleagues, Representative Larry Womble and Senator Ham Horton from Forsyth County in this resolution, and I would just encourage you to look at the names and see if there're some folks whose names are on here from the districts that you represent. Sergeant William McBryar of Elizabethtown, Frank Pullen of Enfield and Wade Hammond of Durham, who served with the Buffalo Soldiers, were North Carolinians who put their lives at risk to represent their people and to serve others, and I would just urge you to join us in this resolution. Thank you."

Senator Ballance:

"Thank you, Madame President. When I was studying in Bertie County a few years ago in elementary and high school, I didn't read about the Buffalo Soldiers. And I stand for the simple reason, when I was on my way to the General Assembly this morning about seven-thirty listening to the 'Tom Joyner Radio Show,' some of ya'll listen to that show, and they had on an African American professor from Harvard University, and one of the questions that was put to him was: 'Why do we celebrate Black History? Why are we always pointing out what these folks did?" And the answer was what I've said earlier. Unfortunately, many of these attributes and many of these historic measures that were taken by African Americans were left out of the history books. So if it were not for Black History Month, which we're celebrating this month, we probably would not have this resolution on Buffalo Soldiers."

The Senate Committee Substitute joint resolution passes its second (50-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE STATUS OF ACTING GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY THE PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT A SUCCESSOR SUBJECT TO CONFIRMATION, AND TO PROVIDE THAT THE PROCEDURES FOR REMOVAL OF THE LIEUTENANT GOVERNOR ARE THE SAME AS THOSE FOR REMOVAL OF THE GOVERNOR.

The Committee Substitute bill passes its third reading (41-9) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from

the **Appropriations/Base Budget Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Transportation Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee:**

S.B. 3, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3598 is adopted and engrossed.

ADDITIONAL SPONSOR

Senator Cunningham requests to be added as a sponsor of previously introduced legislation:

S.B. 95, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A DNA SAMPLE BE TAKEN FROM ANY PERSON ARRESTED FOR CERTAIN FELONIES AND STORED IN THE STATE DNA DATABASE, TO ESTABLISH PILOT PROGRAMS TO IMPLEMENT THIS PROCEDURE, AND TO PROVIDE THAT A DEFENDANT MAY FILE A MOTION FOR APPROPRIATE RELIEF AT ANY TIME AFTER A VERDICT IF DNA EVIDENCE IS AVAILABLE REGARDING THE CRIME FOR WHICH THE DEFENDANT WAS CONVICTED BUT THE DNA EVIDENCE WAS NOT ADMITTED INTO EVIDENCE AT THE TRIAL.

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns at 3:44 P.M. to meet tomorrow, Wednesday, February 28, at 3:00 P.M.

TWENTY-FIRST DAY

Senate Chamber
Wednesday, February 28, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, our comfort and security zones keep us constantly jockeying for position in life. We admit that we prefer the front of the plane. We like the security of the middle of the road, and often we prefer the back of the church. All you had to say about positioning

can be said in these words, 'The first shall be last and the last first.'

"Help us to break out of our comfort zones to the places in which we can do the most good for others and for You, regardless of whether that place is front, back, middle, first or last. Amen."

The Chair grants a leave of absence for today to Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, February 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Lynn Allen Hughes from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to Cathy Chapman from Burlington, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 169, A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

S.B. 85, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO CORROBORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3596, which changes the title to read **S.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO COLLABORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE, is adopted and engrossed.

By Senator Dalton for the **Education/Higher Education Committee**:

S.R. 267, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE AT-LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report as to adoption.

By Senator Kerr for the **Finance Committee**:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE COMMISSION TO STUDY COMMISSION CONTRACTS FOR ISSUANCE OF MOTOR VEHICLE REGISTRATION PLATES AND CERTIFICATES TO INCREASE THE RATE PAID PER TRANSACTION TO COMMISSION CONTRACT AGENTS FOR THE ISSUANCE OF PLATES AND CERTIFICATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3599 is adopted and engrossed.

Upon motion of Senator Kerr, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

INTRODUCTION OF A BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

S.B. 266, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENT OF THE AMERICAN LEGION POST 139 FOR USE AS A COMMUNITY CENTER.

Referred to **Appropriations/Base Budget Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 12 (Committee Substitute), A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO USE ANNUAL POPULATION ESTIMATES RATHER THAN THE DECENNIAL CENSUS WHEN DETERMINING ELIGIBILITY FOR INCORPORATION OF NEW MUNICIPALITIES WHICH ARE IN PROXIMITY TO EXISTING MUNICIPALITIES.

With unanimous consent, upon motion of Senator Hagan, the Committee Substitute bill is withdrawn from today's Calendar and re-referred to the **Judiciary II Committee**.

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 273 (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY.

Placed on the Calendar for Thursday, March 1.

H.J.R. 247 (Committee Substitute), A JOINT RESOLUTION HONORING THE MILITARY PERSONNEL WHO SERVED AND HONORING THOSE WHO GAVE THEIR LIVES DURING THE PERSIAN GULF WAR ON THE TENTH ANNIVERSARY OF THE WAR.

Referred to **Rules and Operations of the Senate Committee**.

ADDITIONAL SPONSOR

Senator Allran requests to be added as a sponsor of previously introduced legislation:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KIDS VOTING NORTH CAROLINA PROGRAM.

S.B. 252, A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.

Upon motion of Senator Ballance, seconded by Senator Hoyle, the Senate adjourns at 3:24 P.M., in honor of Senator Kerr's 65th birthday, to meet tomorrow, Thursday, March 1, at 11:00 A.M.

TWENTY-SECOND DAY

Senate Chamber
Thursday, March 1, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Holy Scripture encourages us to be kind to one another, tenderhearted, forgiving one another as you have forgiven us. But we confess, O God, that we may have lost somehow the meaning of the word kindness. Kindness is not always helping with a heaping of large sums of money on an ill to cure it. Kindness is a word of grace. Kindness is looking a person in the eye and offering to walk with them on the journey. No act of kindness, however small, is ever wasted.

"So help us to think smaller in our gestures of kindness. Then we shall really effect a difference in our world. Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Gulley, Senator Kinnaird, Senator Miller, Senator Rucho and Senator Webster.

Senator Rand announces that the Journal of yesterday, Wednesday, February 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Edward Stephen Campbell from Mooresville, North Carolina, who is serving the Senate as Doctor of the

Day, and to Patty Vogler from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 29, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 237, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE STATEWIDE APPLICATION OF G.S. 24-9 WHICH PROHIBITS CERTAIN BUSINESS ENTITIES FROM ASSERTING THE DEFENSE OF USURY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Hoyle, Dalton and Kerr:
S.B. 268, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES.
Referred to **Finance Committee**.

By Senator Hoyle:
S.B. 269, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF INVESTMENT ADVISER REPRESENTATIVE; TO ALLOW MULTIPLE REGISTRATION OF INVESTMENT ADVISER REPRESENTATIVES FOR CERTAIN PURPOSES; AND TO REVISE THE REGISTRATION AND NOTICE FILING PROCEDURES.
Referred to **Commerce Committee**.

By Senator Hoyle:
S.B. 270, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GASTONIA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:
S.B. 271, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF GASTONIA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 272, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A TEEN COURT PROGRAM IN GASTON COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 273, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MAXIMUM SPEED LIMIT OF SIXTY-FIVE MILES PER HOUR FOR COMMERCIAL MOTOR VEHICLES ON HIGHWAYS WITH A SEVENTY-MILE-PER-HOUR SPEED LIMIT FOR OTHER MOTOR VEHICLES.

Referred to **Judiciary I Committee**.

By Senator Hoyle:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROVISION IN THE NORTH CAROLINA SECURITIES ACT.

Referred to **Commerce Committee**.

By Senator Hartsell:

S.B. 275, A BILL TO BE ENTITLED AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 276, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Hartsell:

S.B. 277, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF COMMUNITY DEVELOPMENT STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT.

Referred to **Judiciary I Committee**.

By Senators Hagan; Carter, Clodfelter, Foxx, Garrou, Hoyle, Kinnaird, Lee, Metcalf, Soles, Swindell, Thomas and Wellons:

S.B. 278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF OFFENSES INVOLVING THE THEFT OF GASOLINE OR MOTOR FUELS SHALL HAVE THEIR DRIVERS LICENSES SUSPENDED OR REVOKED.

Referred to **Judiciary II Committee**.

By Senators Dannelly, Allran, Martin of Pitt, Purcell, Warren; Albertson, Clodfelter, Kinnaird, Lee, Lucas and Martin of Guilford:

S.B. 279, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FAMILY DRUG TREATMENT COURT PROGRAM IN NORTH CAROLINA AND TO FUND THE PROGRAM, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

Referred to **Children & Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Dannelly, Allran, Martin of Pitt, Purcell, Warren; Clodfelter, Kinnaird and Martin of Guilford:

S.B. 280, A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT PROTECTION TO SOCIAL SERVICES WORKERS WHEN INVESTIGATING REPORTS OF ABUSE, NEGLECT, OR DEPENDENCY, AND WHEN TAKING TEMPORARY PHYSICAL CUSTODY OF A JUVENILE.

Referred to **Judiciary II Committee**.

By Senator Carter; Allran, Dannelly, Garrou, Garwood, Hagan, Hartsell, Lucas and Metcalf:

S.B. 281, A BILL TO BE ENTITLED AN ACT TO PLACE SCHOOL COUNSELORS ON THE SAME SALARY SCHEDULE AS SCHOOL PSYCHOLOGISTS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; Allran, Ballantine, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kinnaird, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Thomas, Warren, Weinstein and Wellons:

S.B. 282, A BILL TO BE ENTITLED AN ACT TO MAKE MORE MUNICIPALITIES ELIGIBLE FOR DEVELOPMENT ZONES.

Referred to **Rural Development Committee** and upon a favorable report, re-referred to **Finance Committee**.

By Senators Horton; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho, Shaw of Guilford and Webster:

S.B. 283, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE CONSTITUTION TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION.

Referred to **Redistricting Committee**.

By Senator Warren:

S.B. 284, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Horton; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Moore, Rucho, Shaw of Guilford and Webster:

S.B. 285, A BILL TO BE ENTITLED AN ACT TO CREATE BY STATUTE AN INDEPENDENT REDISTRICTING COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS FOR CONGRESSIONAL AND LEGISLATIVE REDISTRICTING.

Referred to **Redistricting Committee**.

By Senator Warren:

S.B. 286, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Warren:

S.B. 287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Martin of Pitt; Albertson, Dannelly, Hoyle, Metcalf, Swindell, Weinstein and Wellons:

S.B. 288, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMPLETION OF THE EASTERN AGRICULTURAL CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; Foxx and Wellons:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO INCREASE THE TAX CREDIT FOR PERMITTING GLEANING OF CROPS AND TO ESTABLISH A CREDIT AGAINST INCOME TAX FOR THE DONATION OF HARVESTED AND PACKAGED FRESH PRODUCE.

Referred to **Finance Committee**.

By Senators Albertson; and Wellons:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE IMPORTED FIRE ANT PROGRAM IN THE PLANT INDUSTRY DIVISION OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; and Wellons:

S.B. 291, A BILL TO BE ENTITLED AN ACT TO CREATE AN INCOME TAX CREDIT FOR TAXPAYERS INVESTING IN AGRIBUSINESS ENTERPRISES THAT ADD VALUE TO RAW, NORTH CAROLINA GROWN AGRICULTURAL COMMODITIES.

Referred to **Finance Committee**.

By Senators Albertson; and Wellons:

S.B. 292, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A RESEARCH AND OUTREACH PROGRAM FOR THE CONTROL OF THE RED IMPORTED FIRE ANT.

Referred to **Appropriations/Base Budget Committee**.

By Senator Kinnaird:

S.B. 293, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 294, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 295, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and

disposed of, as follows:

H.B. 47, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.
Referred to **State and Local Government Committee**.

H.B. 71, A BILL TO BE ENTITLED AN ACT ALLOWING CLAY COUNTY TO EMPLOY ATTACHMENT OR GARNISHMENT AND TO OBTAIN A LIEN FOR AMBULANCE SERVICES.
Referred to **Finance Committee**.

H.B. 114, A BILL TO BE ENTITLED AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY".
Referred to **Transportation Committee**.

H.B. 175, A BILL TO BE ENTITLED AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION.
Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 85 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO COLLABORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE.
The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

H.J.R. 273 (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY.
The Committee Substitute joint resolution passes its second (44-0) and third readings and is ordered enrolled.

S.R. 267, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE AT-LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.
Upon motion of Senator Dalton, the Senate resolution is adopted (43-1).

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns subject to ratification of bills, to meet Monday, March 5, at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 273, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF ANGIER ON THE TOWN'S 100TH ANNIVERSARY. (Res. 3)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:33 A.M.

TWENTY-THIRD DAY

Senate Chamber
Monday, March 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, as a new week begins, encourage the Senators, the Lieutenant Governor and staff by reassuring them that this is, for a time, the place to which you have called them. The kind of work they do, their calling, is the kind of work that they need most to do and that the world most needs to have done.

"Let this Senate Chamber be that place of calling, a place where a deep gladness to serve and the needs of our State's people meet. In Your holy name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Carrington, Senator Garrou, Senator Garwood, Senator Gulley, Senator Hagan, Senator Kinnaird, Senator Metcalf, Senator Miller, Senator Moore and Senator Purcell.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Stephen Paul Montgomery from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Robinson for the **State and Local Government Committee**.

S.B. 138, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE MOUNT AIRY TOURISM DEVELOPMENT AUTHORITY, with a favorable report.

S.B. 24, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3601 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 86, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY VOTE TO BREAK TIES.

Referred to **State and Local Government Committee**.

H.B. 168, A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 182, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

CALENDAR

Bills and resolutions on tonight's Calendar are taken up and disposed of, as follows:

S.B. 237, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE STATEWIDE APPLICATION OF G.S. 24-9 WHICH PROHIBITS CERTAIN BUSINESS ENTITIES FROM ASSERTING THE DEFENSE OF USURY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Paul Thaddeus Bode, Raleigh; Matthew Paul Brissette, Raleigh; Jessica Buie, Raleigh; Brad Austin Butler, Raleigh; Divya Gopal, Cary; Anna Kathryn Harrison, Apex; M. Hayes Jernigan, Raleigh; Elliott Carson Kriger, Raleigh; Monica MacConnell, Cary; Robert C. Paschal, Jr., Raleigh; Alison P. Prince, Efland; Andrew C. Rallis, Cary; Pattrick Walker, Raleigh; Daniel R. B. Ward, Cary; Julius West III, Raleigh; Alexander James Wilson, Cary; Eddie Shelton Winstead IV, Sanford; and Adrienne L. Yancey, Garner.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns subject to the introduction of bills, to meet tomorrow, Tuesday, March 6, at 3:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

S.B. 296, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT.

Referred to **Children & Human Resources Committee**.

By Senators Kinnaird; Ballance, Dannelly, Lucas and Martin of Guilford:

S.B. 297, A BILL TO BE ENTITLED AN ACT TO REQUIRE LIFE IMPRISONMENT WITHOUT PAROLE FOR FELONY MURDER.

Referred to **Judiciary II Committee**.

By Senators Kinnaird; Gulley, Lucas, Martin of Guilford, Miller and Shaw of Cumberland:

S.B. 298, A BILL TO BE ENTITLED AN ACT TO INCREASE THE HOMESTEAD EXEMPTION FROM PROPERTY TAXES AND TO RAISE THE INCOME LIMIT FOR QUALIFYING FOR THE EXEMPTION.

Referred to **Finance Committee**.

By Senators Robinson; Albertson, Bingham, Carter, Harris, Martin of Pitt, Metcalf, Odom, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 299, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Odom; Albertson, Ballance, Ballantine, Berger, Bingham, Carpenter, Carter, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Pitt, Metcalf, Plyler, Purcell, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 300, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION.

Referred to **State and Local Government Committee**.

By Senators Bingham, Plyler, Cunningham; Allran, Ballance, Ballantine, Berger, Carpenter, Carrington, Carter, Dalton, Forrester, Foxx, Garrou, Garwood, Hagan, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Metcalf, Moore, Odom, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Swindell, Thomas, Warren, Weinstein and Wellons:

S.J.R. 301, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kerr; Hoyle, Rand and Reeves:

S.B. 302, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S CONSERVATION LAB TO PERFORM

CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART AND TO CHARGE A FEE FOR THIS SERVICE.

Referred to **Finance Committee**.

By Senators Albertson; Bingham, Carpenter, Carrington, Dalton, Forrester, Garwood, Gulley, Hartsell, Hoyle, Kerr, Miller, Moore, Purcell, Reeves, Soles and Warren:

S.B. 303, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ENVIRONMENTAL ASSISTANCE FOR FARMERS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; Bingham, Carpenter, Carrington, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Martin of Pitt, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Soles, Warren and Wellons:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE.

Referred to **Education/Higher Education Committee**.

By Senator Warren:

S.B. 305, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Warren:

S.B. 306, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Martin of Guilford; and Lucas:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR NORTH CAROLINA AGRICULTURAL & TECHNICAL STATE UNIVERSITY TO MATCH FEDERAL FUNDS FOR AGRICULTURAL RESEARCH, COOPERATIVE EXTENSION, AND TEACHING ACTIVITIES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Martin of Guilford and Lucas:

S.B. 308, A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF SCHOOL ADMINISTRATOR PROGRAMS THAT MAY BE ESTABLISHED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT ONE OF THOSE PROGRAMS SHALL BE AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY AND ONE AT NORTH CAROLINA CENTRAL UNIVERSITY.

Referred to **Education/Higher Education Committee**.

By Senator Hoyle:

S.B. 309, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 310, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW

GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 311, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE NORTH CAROLINA HOUSING FINANCE AGENCY ACT TO MAKE TECHNICAL AMENDMENTS AND TO AUTHORIZE THE INVESTMENT OF MONEY HELD BY THE AGENCY IN CERTAIN BONDS.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 312, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE CERTIFICATION OF WELL CONTRACTORS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 313, A BILL TO BE ENTITLED AN ACT AMENDING THE ENVIRONMENTAL STATUTES OR THE AGRICULTURE STATUTES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Albertson:

S.B. 314, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENVIRONMENTAL/AGRICULTURAL LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Jordan:

S.B. 315, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE JUVENILE CRIME PREVENTION COUNCILS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Wellons:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 317, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 318, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS ON LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS, AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 319, A BILL TO BE ENTITLED AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO REPEAL MISCELLANEOUS FEES PAID BY INSURANCE COMPANIES TO THE DEPARTMENT OF INSURANCE; AND TO INCREASE THE INSURANCE COMPANY LICENSE APPLICATION AND RENEWAL FEES TO MAKE THE REPEALS REVENUE NEUTRAL.

Referred to **Insurance and Consumer Protection Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Wellons:

S.B. 321, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SHARING OF INFORMATION PRODUCED BY, OBTAINED BY, OR DISCLOSED TO THE INSURANCE COMMISSIONER UNDER THE EXAMINATION LAW; AND TO CLARIFY THAT THE EXAMINATION LAW APPLIES TO ALL PERSONS SUBJECT TO REGULATION BY THE INSURANCE COMMISSIONER.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 322, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REENTRY, INC., FOR THE HALTING ABUSE FOR LEARNING AND TREATMENT PROGRAM AND THE DRUG DIVERSION AND EDUCATION PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Wellons:

S.J.R. 323, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EVANDER SAMUEL SIMPSON, FORMER SUPERINTENDENT OF THE PUBLIC SCHOOLS IN JOHNSTON COUNTY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 324, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXPIRATION DATE IN THE RISK SHARING PLAN LAW.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 326, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 327, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 328, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Berger; Allran, Ballantine, Carpenter, Foxx, Garwood, Hartsell, Moore and Shaw of Guilford:

S.B. 329, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION FOR DISTRIBUTION OF FUNDS TO LOCAL GOVERNMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Forrester, Purcell; and Carpenter:

S.B. 330, A BILL TO BE ENTITLED AN ACT TO ENACT THE PRESCRIPTION DRUG PROGRAM FOR NORTH CAROLINA SENIOR CITIZENS, AND TO APPROPRIATE FUNDS THEREFOR.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rand and Thomas:

S.B. 331, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.

Referred to **Children & Human Resources Committee**.

By Senators Purcell; Carter, Forrester and Harris:

S.J.R. 332, A JOINT RESOLUTION URGING CONGRESS TO ADOPT INCENTIVES THAT ENCOURAGE THE PURCHASE OF PRIVATE LONG-TERM CARE INSURANCE AND TO ELIMINATE FEDERAL BARRIERS TO THE EXPANSION OF MEDICAID LONG-TERM CARE PARTNERSHIP PLANS.

Pursuant to Rule 43, the joint resolution is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Purcell; Allran, Lee, Martin of Guilford and Martin of Pitt:

S.B. 333, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD MEDICAL EVALUATION PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell; Carter, Forrester and Harris:

S.B. 334, A BILL TO BE ENTITLED AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS.

Referred to **Children & Human Resources Committee**.

By Senators Kerr and Hoyle:

S.B. 335, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF REVENUE FOR TECHNOLOGY, EFFICIENCY, AND CUSTOMER SERVICE IMPROVEMENTS RECOMMENDED BY THE STATE AUDITOR'S PERFORMANCE AUDIT.

Referred to **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 336, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN CABARRUS COUNTY.

Referred to **State and Local Government Committee**.

By Senator Hartsell:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:25 P.M.

TWENTY-FOURTH DAY

Senate Chamber
Tuesday, March 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, Holy Scripture says, "Let us not be weary in well doing, for in due season we shall reap, if we faint not.

"Religious leader John Wesley said it this way: ‘Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, to all the people you can, as long as ever you can.’ Help each of us to live with such a commitment to doing good, O God. Amen."

*Galatians 6:9

The Chair grants leaves of absence for today to Senator Garrou, Senator Garwood, Senator Gulley, Senator Kinnaird, Senator Miller, Senator Moore, Senator Purcell, and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Billy Lee Price, Jr. from Conover, North Carolina, who is serving the Senate as Doctor of the Day, and to Jane Fitzgerald from Archdale, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 217, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE, with a favorable report.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3608 is adopted and engrossed.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 139, A JOINT RESOLUTION HONORING THE MEMORY OF THE BUFFALO SOLDIERS OF THE FRONTIER. (Res. 4)

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Harris:

S.B. 338, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HARNETT COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL BUILDINGS AND FOR WATER AND SEWER CAPITAL OUTLAY PROJECTS.

Referred to **Finance Committee**.

By Senator Harris:

S.B. 339, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE WESTERN HARNETT SENIOR CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senator Carpenter:

S.B. 340, A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIABILITY OF PRINCIPALS WHO FAIL TO PAY SALES REPRESENTATIVES COMMISSIONS UPON TERMINATION OF CONTRACTS WITH SALES REPRESENTATIVES.

Referred to **Judiciary I Committee**.

By Senator Carpenter:

S.B. 341, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PROVIDE FUNDING FOR THE HIGHLANDS NATURE CENTER IN THE TOWN OF HIGHLANDS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Hoyle; and Forrester:

S.B. 342, A BILL TO BE ENTITLED AN ACT AUTHORIZING GASTON COUNTY TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 343, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AREA AUTHORITIES TO OBTAIN REQUIRED CRIMINAL RECORD CHECKS FROM PRIVATE ENTITIES.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF FAYETTEVILLE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 345, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF FAYETTEVILLE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 347, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 348, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF

CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 349, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 350, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 351, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 352, A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF OUT-OF-STATE TAX DEBTS AND TO MODIFY THE FEE FOR FEDERAL SETOFF OF STATE TAX DEBTS.

Referred to **Finance Committee**.

By Senator Ballance:

S.B. 354, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a joint resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 60, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GEORGE HENRY WHITE, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, ON THE ONE HUNDREDTH ANNIVERSARY OF HIS HISTORIC FAREWELL SPEECH IN THE UNITED STATES CONGRESS.

Referred to **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 228, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

Referred to **Education/Higher Education Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM, upon second reading.

With unanimous consent, upon motion of Senator Odom, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 138, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE MOUNT AIRY TOURISM DEVELOPMENT AUTHORITY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Cunningham requests to be added as a sponsor of previously introduced legislation:

S.B. 329, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION FOR DISTRIBUTION OF FUNDS TO LOCAL GOVERNMENTS.

Upon motion of Senator Basnight, seconded by Senator Webster, the Senate adjourns at 3:15 P.M. to meet tomorrow, Wednesday, March 7, at 3:00 P.M.

TWENTY-FIFTH DAY

Senate Chamber
Wednesday, March 7, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, compassion is the capacity for feeling what it's like to live inside somebody else's skin. That kind of compassion does not get the same kind of press around here as does getting under someone else's skin, which of course is not compassion at all. But every bill submitted here embodies compassion.

"The men and women of the Senate know that there can never be any peace and joy for them until there is a sense of peace and joy for those whom they represent. The capacity for feeling what it's like to live inside somebody else's skin. Thank you for the gift of compassion evident here everyday. Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Garwood, Senator Gulley and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Prakash R. Tirapattur from Plymouth, North Carolina, who is serving the Senate as Doctor of the Day, and to Kathy Wright from Carthage, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 210, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3626 is adopted and engrossed.

By Senator Dalton for the **Education/Higher Education Committee**:

H.J.R. 228, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

By Senator Hoyle for the **Finance Committee**:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 202, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

S.B. 204, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY

ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

S.B. 203, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF FUNDS THAT MAY BE USED TO ADMINISTER THE FISHERIES RESOURCE GRANT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3624 is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 205, A BILL TO BE ENTITLED AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3625 is adopted and engrossed.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Shaw of Cumberland:

S.B. 355, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Cumberland:

S.B. 356, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Cumberland:

S.B. 357, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Cumberland:

S.B. 358, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Cumberland:

S.B. 359, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Shaw of Cumberland:

S.B. 360, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF CUMBERLAND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Soles:

S.B. 361, A BILL TO BE ENTITLED AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF.

Referred to **Finance Committee**.

By Senator Soles:

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

Referred to **Commerce Committee**.

By Senator Cunningham:

S.B. 363, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CONSERVATION TRUST FOR NORTH CAROLINA TO SUPPORT THE WORK OF THE STATE'S PRIVATE LAND TRUSTS AND TO PROMOTE VOLUNTARY LAND CONSERVATION AGREEMENTS WITH PRIVATE LANDOWNERS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Reeves:

S.B. 364, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

Referred to **Judiciary I Committee**.

By Senator Reeves:

S.B. 365, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 366, A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEES FOR THE NORTH CAROLINA UTILITIES COMMISSION.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 367, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA HOUSING FINANCE AGENCY AND THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE FROM THE NORTH CAROLINA ADMINISTRATIVE PROCEDURES ACT.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 137 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is moved to the end of today's Calendar.

S.B. 217, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE.

The bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

S.B. 137 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, previously moved to the end of today's calendar.

Senator Odom offers Amendment No. 1 which is adopted (43-1).

The Committee Substitute bill, as amended, passes its second reading (42-3) and third reading (42-3) and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Bingham requests to be added as a sponsor of previously introduced legislation:

S.B. 329, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION FOR DISTRIBUTION OF FUNDS TO LOCAL GOVERNMENTS.

Upon motion of Senator Ballance, seconded by Senator Shaw of Guilford, the Senate adjourns at 3:59 P.M. to meet tomorrow, Thursday, March 8, at 11:00 A.M.

TWENTY-SIXTH DAY

Senate Chamber
Thursday, March 8, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"A little girl named Nan helps us pray: 'Dear God, I bet it is very hard for you to love all of everybody in the world. There are only four people in my family and I can never do it!'

"Nan's prayer probably doesn't hold much water for the Senate family who after a long week will welcome the return to the love, the nurture, and the respite afforded by home and family. On the other hand, those headed to the ACC Tournament will find her prayer worth some serious thought.

"Thank you for blessing and loving us even when we're unlovable. Amen."

The President of the Senate extends courtesies of the floor to Dr. Raymond Clyde Roy from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Bill Grau from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.

The Chair grants leaves of absence for today to Senator Basnight, Senator Garrou, Senator Garwood, Senator Thomas, and Senator Warren.

Senator Rand announces that the Journal of yesterday, Wednesday, March 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING THAT ALL ELECTIONS BE CONDUCTED BY COUNTY BOARDS OF ELECTIONS, with a favorable report.

By Senator Purcell for the **Health Care Committee**:

S.B. 118, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3633, which changes the title to read **S.B. 118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY

PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES, is adopted and engrossed.

S.B. 157, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3619 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hoyle for the **Finance Committee**:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, AND TO POSTPONE THE EFFECTIVE DATE OF TAXATION BY THAT TOWN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3632, which changes the title to read **S.B. 255** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, is adopted and engrossed.

CALENDAR

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, upon second reading.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEE *(continued)*

By Senator Dalton for the **Education/Higher Education Committee**:

S.B. 71, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3631 is adopted and engrossed.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Wellons; and Lucas:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR

MOREHEAD SCHOOL TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE SCHOOL.

Referred to **Children & Human Resources Committee**.

By Senators Metcalf; Albertson, Allran, Carter, Dannelly, Foxx, Harris, Lucas, Martin of Guilford and Purcell:

S.B. 369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COALITION 2001 PROGRAMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Kerr; Albertson and Reeves:

S.B. 370, A BILL TO BE ENTITLED AN ACT AMENDING THE JOINT SECURITY FORCE PROVISIONS FOR STATE FACILITIES FOR MENTALLY ILL PERSONS.

Referred to **Judiciary II Committee**.

By Senators Carpenter; and Martin of Pitt:

S.B. 371, A BILL TO BE ENTITLED AN ACT TO CONVERT THREE TEMPORARY AVIATION POSITIONS WITHIN THE DIVISION OF FOREST RESOURCES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PERMANENT POSITIONS AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS CONVERSION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Thomas; Albertson, Ballance, Ballantine, Bingham, Carter, Cunningham, Dalton, Forrester, Foxx, Hagan, Harris, Hartsell, Kerr, Metcalf, Rand, Robinson, Swindell, Warren and Weinstein:

S.B. 372, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE SO AS TO REDUCE THE LENGTH OF CAMPAIGNS, AND TO PLACE THE PRESIDENTIAL PRIMARY CLOSE TO THOSE OF OTHER SOUTHERN STATES.

Referred to **Judiciary II Committee**.

By Senators Odom; Albertson, Carter, Clodfelter, Dannelly, Foxx, Hagan, Harris, Hoyle, Lee, Martin of Guilford, Martin of Pitt, Metcalf, Moore, Plyler, Purcell, Robinson and Weinstein:

S.B. 373, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Metcalf; Allran, Carter, Dannelly, Foxx, Lucas, Martin of Guilford, Purcell, and Weinstein:

S.B. 374, A BILL TO BE ENTITLED AN ACT TO PHASE-IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Referred to **Children & Human Resources Committee**.

By Senator Metcalf:

S.B. 375, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Metcalf:

S.B. 376, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Metcalf:

S.B. 377, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Lee, Dannelly, Hartsell, Moore, Garwood, Garrou and Carpenter:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

Referred to **Education/Higher Education Committee**.

By Senator Clodfelter:

S.B. 379, A BILL TO BE ENTITLED AN ACT ALLOWING A PERSON LICENSED AS A REAL ESTATE BROKER OR SALESPERSON TO RELY ON INFORMATION RELATING TO THE PHYSICAL CONDITION OF REAL PROPERTY CONTAINED IN A WRITTEN REPORT PREPARED BY A QUALIFIED THIRD PARTY.

Referred to **Commerce Committee**.

By Senator Clodfelter:

S.B. 380, A BILL TO BE ENTITLED AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES.

Referred to **Transportation Committee**.

By Senator Dalton:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO SET OUT THE BOUNDARIES OF THE TOWN OF BOSTIC AND TO VALIDATE ACTIONS OF THE TOWN.

Referred to **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 41, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Commerce Committee**.

H.B. 278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF

THE YEAR OF THEIR ELECTION.

Referred to **State and Local Government Committee**.

CALENDAR (*continued*)

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Webster, Weinstein and Wellons—43.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 12, upon third reading.

S.B. 202, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 204, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The bill passes its second (42-1) and third readings and is ordered sent to the House of Representatives.

S.B. 205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

H.J.R. 228, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

The joint resolution passes its second (43-0) and third reading and is ordered enrolled.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 29, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT PRIVATE ENCROACHMENT ON THE HIGHWAY RIGHT-OF-WAY OF NC 132 IN NEW HANOVER COUNTY FOR CONSTRUCTION OF A CORNING ACCESS BRIDGE. (Became law upon approval of the Governor, March 7, 2001–S.L. 2001-1.)

Upon motion of Senator Ballance, seconded by Senator Lucas, the Senate adjourns at 11:30 A.M. to meet Monday, March 12, at 7:00 P.M.

TWENTY-SEVENTH DAY

Senate Chamber
Monday, March 12, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, as we begin a new week in the Senate teach us to master ourselves so that we may serve others. Help us to see you as a participant in every event that is on our agenda for this week. Then we shall praise rather than criticize; encourage rather than discourage; build up rather than destroy; see the best in others rather than the worst. Thank you for being a part of all that goes on here and for helping us to act accordingly. Amen"

The Chair grants leaves of absence for tonight to Senator Martin of Pitt and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jay Ramanlal Parikh from Dunn, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 228, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 5)

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Robinson for the **State and Local Government Committee**:

H.B. 47, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

S.B. 243, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3634, which changes the title to read **S.B. 243** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CONCORD IN CABARRUS COUNTY AND THE CITY OF MONROE AND THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED, is adopted and engrossed.

CALENDAR

Bills and resolutions on tonight's Calendar are taken up and disposed of, as follows:

S.B. 255 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 71 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS, upon second reading.

Upon motion of Senator Carter, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, March 13, upon second reading.

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING THAT ALL ELECTIONS BE CONDUCTED BY COUNTY BOARDS OF ELECTIONS.

Upon motion of Senator Gulley, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, March 13, upon second reading.

S.B. 162, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, upon third reading.

Upon motion of Senator Hartsell, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, March 13, upon third reading.

S.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE

TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES.

The Committee Substitute bill passes its second reading 46-2.

Senator Forrester objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, March 13, upon third reading.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows *(See Appendix.)*:

Executive Order Number 4, Clemency.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Ashley L. Arnold, Middlesex; Ashlee Bradshaw, Garner; Megan E. Brock, Greensboro; Keri Leigh Brockett, Fayetteville; Davie Lynne Cox, Leicester; Jennifer Lee Ann Gold, Shelby; Jennifer Leigh Haney, Roseboro; Rosa Hanks, Raleigh; Cali RayAnn Jenkins, Charlotte; Sallie Lampron, Denver; Kimberly Lauren Ownbey, St. Pauls; Meghan Parsons, Winston-Salem; Danielle Marie Sciandra, Hope Mills; Bethany Stipe, Raleigh; Jennifer A. Tabat, Lexington; and Amanda Lauren Weekes, Fuquay-Varina.

Upon motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns in honor of Senator Wellons' birthday and subject to the introduction of bills, to meet tomorrow, Tuesday, March 13, at 3:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Thomas:
S.B. 382, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Thomas:
S.B. 383, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Thomas:
S.B. 384, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Thomas:
S.B. 385, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD

SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kerr; and Hoyle:

S.B. 386, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERIODIC REVIEW AND RENEWAL OF STATE TAX CREDITS.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS.

Referred to **Commerce Committee**.

By Senator Hagan:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

Referred to **Judiciary II Committee**.

By Senators Forrester, Purcell; Allran, Berger, Bingham, Carpenter, Hartsell, Plyler and Shaw of Guilford:

S.B. 389, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE.

Referred to **Judiciary I Committee**.

By Senators Forrester, Purcell; Allran, Berger, Bingham, Carpenter, Hartsell, Plyler and Shaw of Guilford:

S.B. 390, A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE.

Referred to **Judiciary I Committee**.

By Senators Forrester, Lucas; and Carpenter:

S.B. 391, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE RECOMMENDATIONS ON WAYS TO ELIMINATE DISPARITIES IN HEALTH CARE.

Referred to **Children & Human Resources Committee**.

By Senators Lucas and Miller:

S.B. 392, A BILL TO BE ENTITLED AN ACT TO HONOR THE MEMORY OF MATTHEW SHEPARD BY EXPANDING THE SCOPE OF THE HATE CRIME LAWS AND INCREASING THE CRIMINAL PENALTY FOR COMMITTING A HATE CRIME.

Referred to **Judiciary II Committee**.

By Senators Shaw of Cumberland and Rand:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR

PLANNING OF A PROPOSED CAPE FEAR RIVER AQUARIUM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Miller:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO APPOINT THE STATE PRINCIPAL OF THE YEAR TO THE STATE BOARD OF EDUCATION AS AN ADVISORY MEMBER.

Referred to **Education/Higher Education Committee**.

By Senator Miller:

S.B. 395, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES.

Referred to **Commerce Committee**.

By Senator Miller:

S.B. 396, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS TO ACQUIRE REAL PROPERTY, TO ESTABLISH A SYSTEM OF STAGGERED LICENSE RENEWAL, AND TO INCREASE FEES.

Referred to **Finance Committee**.

By Senator Ballance:

S.B. 397, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES.

Referred to **Judiciary II Committee**.

By Senators Foxx; Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Hartsell, Horton, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Reeves, Rucho, Warren, Webster, Weinstein and Wellons:

S.B. 398, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Referred to **Commerce Committee**.

By Senators Dannelly; Clodfelter, Odom and Rucho:

S.B. 399, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE.

Referred to **State and Local Government Committee**.

By Senators Hoyle; Albertson, Cunningham, Dalton, Forrester, Martin of Pitt, Swindell and Thomas:

S.B. 400, A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX.

Referred to **Finance Committee**.

By Senators Purcell, Plyler and Hartsell:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY

WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.
Referred to **Commerce Committee**.

By Senators Horton; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Cunningham, Forrester, Foxx, Hartsell, Moore, Rucho and Webster:
S.B. 402, A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO THE REDEFINITION OF THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS AND THE ONE AND ONE-HALF TIMES TEST.
Referred to **Commerce Committee**.

By Senators Harris and Kinnaird:
S.B. 403, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEE COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTY.
Referred to **Finance Committee**.

By Senators Albertson; Hoyle and Warren:
S.B. 404, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR ADDITIONAL LP GAS INSPECTORS.
Referred to **Appropriations/Base Budget Committee**.

By Senator Clodfelter:
S.B. 405, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.
Referred to **Finance Committee**.

By Senator Clodfelter:
S.B. 406, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE REGARDING TORT LIABILITY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:
S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS.
Referred to **Finance Committee**.

By Senator Clodfelter:
S.B. 408, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO MAKE ROADWAY IMPROVEMENTS IN THE CITY'S EXTRATERRITORIAL JURISDICTION.
Referred to **Finance Committee**.

By Senators Gulley; and Hartsell:
S.B. 409, A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS TO OBTAIN THE SAME PERMANENT LICENSE PLATES AS PUBLIC SCHOOLS AND TO ENSURE THAT CHARTER SCHOOLS RECEIVE A PORTION OF THE FUNDS ACCRUING TO THE LOCAL SCHOOL ADMINISTRATIVE UNIT FROM

PENALTIES, FINES, AND FORFEITURES.
Referred to **Finance Committee**.

By Senator Kinnaird:
S.B. 410, A BILL TO BE ENTITLED AN ACT RELATING TO THE LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:
S.B. 411, A BILL TO BE ENTITLED AN ACT RELATING TO THE LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:
S.B. 412, A BILL TO BE ENTITLED AN ACT RELATING TO THE LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Pitt:
S.B. 413, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Pitt:
S.B. 414, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Pitt:
S.B. 415, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:
S.B. 416, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 68 OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING THE DEFINITION OF "JUDGMENT FINALLY OBTAINED" AND BY CHANGING THE TIME PERIODS FOR EXTENDING AND ACCEPTING OFFERS OF JUDGMENT PRIOR TO TRIAL AND TO MAKE OTHER CONFORMING CHANGES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.
Referred to **Judiciary I Committee**.

By Senator Clodfelter:
S.B. 417, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 9(J) OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING WHICH JUDGE MAY SIGN ORDERS EXTENDING THE STATUTE OF LIMITATIONS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.
Referred to **Judiciary I Committee**.

By Senator Clodfelter:
S.B. 418, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE DISTRIBUTION OF

WRONGFUL DEATH PROCEEDS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 419, A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

Referred to **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:50 P.M.

TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, March 13, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, the state budget is clearly headline news today. At the beginning of the legislative session four years ago, when the state budget silos were full, I remember praying that surviving prosperity is more difficult than surviving adversity. I hope that statement bears truth, but I confess that it is easy for the prayer to be philosophical on a full stomach! This year the Senators are having to deal with and survive adversity. Give them wisdom and judgment and discerning hearts for this difficult task.

"You said, 'Take my yoke upon you for my yoke is easy and my burden is light. There you shall find answers to your problems and rest for your souls.' We claim that promise! Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt, Senator Miller, Senator Reeves and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Richard Friedrichs from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Hartsell from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Swindell:

S.B. 420, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 421, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 422, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 423, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 424, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 425, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Swindell:

S.B. 426, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Miller, Reeves, Rand, Warren, Kinnaird, Kerr, Metcalf, Lucas and Gulley:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EDUCATION CENTER AT THE CONTEMPORARY ART MUSEUM IN THE CITY OF RALEIGH.

Referred to **Appropriations/Base Budget Committee**.

By Senator Ballance:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HEALTHY START FOUNDATION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Hartsell; Bingham and Cunningham:

S.B. 429, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hartsell; Bingham and Cunningham:

S.B. 430, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROWAN.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 431, A BILL TO BE ENTITLED AN ACT TO ADJUST THE VALUE THRESHOLDS OF LIMITED AND INTERMEDIATE LICENSES FOR INFLATION UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 432, A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES.

Referred to **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 433, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FAIRVIEW, SUBJECT TO A REFERENDUM.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 434, A BILL TO BE ENTITLED AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS.

Referred to **Finance Committee**.

By Senator Garrou:

S.B. 435, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kinnaird; Albertson, Bingham, Clodfelter, Gulley, Horton, Miller and Odom:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NATURAL RESOURCES LEADERSHIP INSTITUTE, A PROJECT OF THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE.

Referred to **Appropriations/Base Budget Committee**.

By Senator Garrou:

S.B. 437, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Garrou, Horton; Carter, Dalton and Hagan:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO PROTECT SCHOOL GROUNDS FROM IMPAIRED DRIVERS.

Referred to **Judiciary I Committee**.

By Senators Dannelly; Ballance, Clodfelter, Dalton, Lucas and Odom:

S.B. 439, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF

CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

Referred to **State and Local Government Committee**.

By Senators Dannelly; Ballance, Clodfelter, Lucas and Odom:

S.B. 440, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE BRIGHT BEGINNINGS PREKINDERGARTEN PROGRAM IN MECKLENBURG COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lee, Hagan; Horton, Jordan, Lucas, Rand and Shaw of Cumberland :

S.B. 441, A BILL TO BE ENTITLED AN ACT TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 212, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN MUNICIPALITIES IN NEW HANOVER COUNTY TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED.

Referred to **State and Local Government Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CONCORD IN CABARRUS COUNTY AND THE CITY OF MONROE AND THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 47, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The bill passes its second and third readings and is ordered enrolled.

S.B. 162, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, upon third reading.

The bill passes its third reading (45-0) and is ordered sent to the House of Representatives.

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING THAT ALL ELECTIONS BE CONDUCTED

BY COUNTY BOARDS OF ELECTIONS.

Senator Moore offers Amendment No. 1 which fails of adoption (17-29).

Senator Horton offers Amendment No. 2 which fails of adoption (15-31).

Senator Metcalf offers Amendment No. 3 which is ruled out of order.

The bill passes its second reading (32-14).

Senator Gulley objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, March 14, upon third reading.

S.B. 71 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (44-2).

The Committee Substitute bill, as amended, passes its second reading (45-1).

Senator Odom objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, March 14, upon third reading.

S.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES.

The Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives.

RECONSIDERATION

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING THAT ALL ELECTIONS BE CONDUCTED BY COUNTY BOARDS OF ELECTIONS.

Having voted with the majority, Senator Rand offers a motion that the vote by which the bill passed its second reading earlier today be reconsidered, which motion prevails (44-0).

Having voted with the majority, Senator Rand offers a motion that the vote by which Amendment No. 2 failed of adoption earlier today be reconsidered, which motion prevails (46-0).

Senator Horton withdraws Amendment No. 2 and the question before the Body becomes the passage of Senate Bill 16 on its second reading.

The bill passes its second reading (37-9).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, March 14, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Moore, the Senate adjourns at 4:31 P.M. to meet tomorrow, Wednesday, March 14, at 3:00 P.M.

TWENTY-NINTH DAY

Senate Chamber
Wednesday, March 14, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, you have said when we know the truth, the truth will set us free. So today 'help us to see the truth about ourselves that we may see ourselves as we really are and not as we think we are. Help us also to see the truth about life, that we may see what we ought to do and not only what we want to do.'

"The truth will free us to be our best selves. Help us to embrace the truth. For Your sake, Amen."

*Prayer of William Barclay

The Chair grants leaves of absence for today to Senator Martin of Pitt and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. William Sidney Farabow from High Point, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 168, AN ACT TO UPDATE THE PENALTIES AND ENFORCEMENT PROVISIONS IN THE HMO LAWS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 47, AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE BALLOT ACCESS LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4556 is adopted and engrossed.

S.B. 30, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE SEA OATS IN CARTERET AND PENDER COUNTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3655, which changes the title to read **S.B. 30** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE SEA OATS, is adopted and engrossed.

Upon adoption of the Committee Substitute, the bill becomes a public bill.

By Senator Weinstein for the **Rural Development Committee**:

S.B. 282, A BILL TO BE ENTITLED AN ACT TO MAKE MORE MUNICIPALITIES ELIGIBLE FOR DEVELOPMENT ZONES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 86, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY VOTE TO BREAK TIES, with a favorable report.

H.B. 278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR OF THEIR ELECTION, with a favorable report.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER, with a favorable report.

S.B. 336, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN CABARRUS COUNTY, with a favorable report.

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, with a favorable report.

By Senator Purcell for the **Health Care Committee**:

S.B. 195, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE

BOARD'S REQUEST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3657 is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee.**

S.B. 132, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3656 is adopted and engrossed.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Cunningham:

S.B. 442, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Cunningham:

S.B. 443, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Cunningham:

S.B. 444, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Cunningham:

S.B. 445, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell; Forrester, Garwood, Hoyle, Lee, Lucas, Martin of Guilford, Metcalf, Plyler, Rucho, Weinstein and Wellons:

S.B. 446, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Webster:

S.B. 447, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Webster:

S.B. 448, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Webster:

S.B. 449, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Webster, Carrington; Allran, Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, and Shaw of Guilford:

S.B. 450, A BILL TO BE ENTITLED AN ACT TO ABOLISH PAID LOBBYISTS AND PUBLIC RELATIONS PERSONS IN NORTH CAROLINA STATE GOVERNMENT.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Albertson, Ballance, Berger, Bingham, Carpenter, Foxx, Garwood, Harris, Hartsell, Jordan, Martin of Pitt, Metcalf, Plyler, Robinson, Shaw of Cumberland and Soles:

S.B. 451, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACCESS TO AND FREEDOM OF CHOICE AMONG ALL PHARMACIES FOR PATIENTS OFFERED OUTPATIENT PRESCRIPTION DRUG BENEFITS BY HEALTH BENEFIT PLANS IN NORTH CAROLINA AND TO PROVIDE A CONSISTENTLY FAIR AND EQUITABLE MEANS OF REIMBURSEMENT FOR ALL PHARMACIES BY THESE PLANS.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 452, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LIFE OF THE NORTH CAROLINA TAX POLICY COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Cunningham and Bingham:

S.B. 453, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LEXINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

Referred to **State and Local Government Committee**.

By Senator Bingham; and Carrington:

S.B. 454, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Bingham:

S.B. 455, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Bingham:

S.B. 456, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Bingham:

S.B. 457, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 286 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF DISEASE REPORTING AND INVESTIGATION REQUIREMENTS TO ALL DIAGNOSTIC LABORATORIES.

Referred to **Health Care Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING THAT ALL ELECTIONS BE CONDUCTED BY COUNTY BOARDS OF ELECTIONS.

Senator Gulley offers Amendment No. 4 which is adopted (48-0).

Senator Albertson offers Amendment No. 5 which fails of adoption (17-31).

The bill, as amended, passes its third reading (31-17) and is ordered engrossed and sent to the House of Representatives.

S.B. 71 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS, as amended on second reading.

Senator Odom offers Amendment No. 2 which is adopted (48-0).

Senator Shaw of Cumberland offers Amendment No. 3.

With unanimous consent, upon motion of Senator Carter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, March 15, with Amendment No. 3 pending.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM, with a favorable report.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, with a favorable report.

H.B. 175, A BILL TO BE ENTITLED AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

RECONSIDERATION

S.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CONCORD IN CABARRUS COUNTY AND THE CITY OF MONROE AND THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

Having voted with the majority, Senator Plyler offers a motion that the vote by which the Committee Substitute bill passed its third reading on March 13 be reconsidered, which motion prevails (48-0).

The question before the Body becomes the passage of Senate Bill 243 on its third reading.

Upon motion of Senator Plyler, the Committee Substitute bill is placed on the Calendar for Tuesday, March 20.

ADDITIONAL SPONSOR

Senator Warren requests to be added as a sponsor of previously introduced legislation:

S.B. 432, A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES.

Upon motion of Senator Basnight, seconded by Senator Cunningham, the Senate adjourns at 4:00 P.M. to meet tomorrow, Thursday, March 15, at 11:00 A.M.

THIRTIETH DAY

Senate Chamber
Thursday, March 15, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, apologists, when defending a certain cause of issue, sometimes put so much effort into what they do they may end up not so much defending the issue because

they believe it is true as believing the issue is true because they've worked so hard and long to defend it.

"That was not the case yesterday. Those of us fortunate enough to hear the debate on Senate Bill 71 realized what the Senators do best, that is, exercise reasoned debate over what is good or better for the people of our State.

"Thank you for allowing the rest of us present yesterday to participate as listeners in this respectful debate. It made me feel proud of the fact, like the late Charles Kuralt, that North Carolina Is Our Home.

"May God's grace continue to abound, Senators, in your role as apologists! Amen."

*Frederich Buechner -- Whistling in the Dark

The Chair grants leaves of absence for today to Senator Martin of Pitt, Senator Plyler and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Michael Steward Lancaster from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Melba Brendle from High Point, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

A report is submitted by Senator Lucas for the **Education/Higher Education Committee.**

North Carolina General Assembly
Senate Chamber
State Legislative Building
Raleigh 27601-1096

March 15, 2001

Memorandum

To: Members of the Senate
From: Senator Lucas, Cochair
Education/Higher Education Committee

Re: Board of Governors Nominees

Pursuant to Senate Resolution 103, the Education/Higher Education Committee has met and nominates the following individuals to serve in the four At-Large Category positions on the Board of Governors of The University of North Carolina:

NOMINEE	SENATE SPONSOR(S)
G. Irvin Aldridge	Senator Soles
Ray S. Farris	Senator Odom
Jim W. Phillips, Jr.	Senator Hagan

J. Bradley (Brad) Wilson	Senator Rand

The Committee nominates the following individuals to serve in the two Minority Race Category positions on the Board of Governors of The University of North Carolina:

Bert Collins	Senator Lucas, Senator Gulley
Willie J. Gilchrist	Senator Ballance

The Committee nominates the following individuals to serve in the Woman Category positions on the Board of Governors of The University of North Carolina:

Anne W. Cates	Senator Lee
Hannah W. Gage	Senator Jordan
Carol H. Lesley	Senator Rucho

Pursuant to Senate Resolution 267, the Committee nominates the following individual to fill the At-Large Category vacancy on the Board of Governors of The University of North Carolina for the remainder of the term that expires on June 30, 2003:

John W. Davis, III	Senator Garrou

Senator Rucho is recognized and withdraws the name of Carol H. Lesley for a Woman Category position.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

With the report of the Education/Higher Education Committee before the Body, and pursuant to **S.R. 103**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and **S.R. 267**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE AT-LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the President recognizes Senator Lucas, Co-Chair of Education/Higher Education Committee, to explain the voting rules. Senator Lucas announces that Senator Carter, Senator Dalton, Senator Garrou and Senator Hartsell will serve as her assistants to collect and canvass the ballots.

The ballots are distributed and the Senators proceed to vote by marking and signing their ballots.

Senator Lucas requests dismissal from the Chamber for herself and the appointed members to canvass the votes. The President excuses Senator Carter, Senator Dalton, Senator Garrou, Senator Hartsell and Senator Lucas from the Chamber to canvass the votes.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 258, A BILL TO BE ENTITLED AN ACT TO REQUIRE RESCISSION

OFFERS TO BE FILED WITH THE SECRETARY OF STATE, with a favorable report.

S.B. 259, A BILL TO BE ENTITLED AN ACT TO AMEND THE SECURITIES DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION, with a favorable report.

S.B. 277, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF COMMUNITY DEVELOPMENT STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3642, which changes the title to read **S.B. 277** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF OUT-OF-STATE TAX DEBTS AND TO MODIFY THE FEE FOR FEDERAL SETOFF OF STATE TAX DEBTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3663, which changes the title to read **S.B. 353** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS AND TO MODIFY THE FEE FOR FEDERAL SETOFF OF STATE TAX DEBTS, is adopted and engrossed.

Upon motion of Senator Kerr, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Wellons:

S.B. 458, A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 459, A BILL TO BE ENTITLED AN ACT TO AMEND NORTH CAROLINA'S INSURANCE LAWS CONCERNING INSURANCE COMPANY RESERVING METHODS, LICENSING PROVISIONS, REINSURANCE FOR DOMESTIC COMPANIES, DOMESTIC COMPANY FORMATION, SOLVENCY PROTECTION, LIFE INSURANCE COMPANY VARIABLE ACCOUNTS, CONSOLIDATIONS, INVESTMENTS, MUTUAL INSURANCE COMPANIES, REINSURANCE INTERMEDIARIES, MORTGAGE GUARANTY INSURANCE, RISK-BASED CAPITAL REQUIREMENTS, ASSET PROTECTION, FOREIGN INSURANCE

COMPANIES, PROMOTING AND HOLDING COMPANIES, HOLDING COMPANY SYSTEMS, SURPLUS LINES INSURANCE, RISK RETENTION GROUPS, INSURANCE COMPANY RECEIVERSHIPS, MANAGING GENERAL AGENTS, SELF-INSURED WORKERS' COMPENSATION, AND CONTINUING CARE RETIREMENT COMMUNITIES.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 460, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNTS OF LIABILITY INSURANCE THAT MAY BE CEDED TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY TO FACILITATE THE PURCHASE OF EXCESS OR UMBRELLA COVERAGE BY MOTOR VEHICLE OWNERS AND TO CLARIFY OTHER LAWS RELATING TO UMBRELLA INSURANCE.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Wellons:

S.B. 462, A BILL TO BE ENTITLED AN ACT TO EXPRESSLY ALLOW NONBINDING ARBITRATION IN HEALTH INSURANCE POLICIES; CLARIFY THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; TO EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; TO ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; AND TO MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Purcell; Albertson, Forrester, Harris, Hartsell, Soles and Wellons:

S.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING.

Referred to **Health Care Committee**.

By Senators Purcell and Plyler:

S.B. 464, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LAURINBURG.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Robinson; Albertson, Ballance, Carter, Dalton, Garrou, Gulley, Hoyle,

Jordan, Moore, Odom, Purcell, Shaw of Guilford and Weinstein:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM INTO AN UNOCCUPIED BUILDING, VEHICLE, OR OTHER ENCLOSURE.

Referred to **Judiciary II Committee**.

By Senator Wellons:

S.B. 466, A BILL TO BE ENTITLED AN ACT TO REMOVE AN INEQUITY FROM THE INSURANCE GUARANTY ASSOCIATION ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING ON AND AFTER JANUARY 1, 1993; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Purcell and Plyler:

S.B. 467, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LAURINBURG.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 468, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Swindell:

S.J.R. 469, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hoyle, Plyler, Dalton, Carter; Albertson, Allran, Ballantine, Berger, Carpenter, Cunningham, Forrester, Foxx, Garrou, Garwood, Harris, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein, and Wellons:

S.B. 470, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW.

Referred to **Commerce Committee**.

By Senators Swindell; and Gulley:

S.B. 471, A BILL TO BE ENTITLED AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD.

Referred to **State and Local Government Committee**.

By Senator Swindell:

S.B. 472, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR RENOVATION OF THE NASH COUNTY COURTHOUSE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Swindell; Foxx, Garrou, Metcalf, Purcell and Thomas:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

Referred to **Commerce Committee**.

By Senator Shaw of Cumberland:

S.B. 474, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA BRIDGE AUTHORITY TO THE NORTH CAROLINA TOLL ROAD AND BRIDGE AUTHORITY, TO AUTHORIZE THE AUTHORITY TO CHARGE A TOLL ON A NORTH-SOUTH PRIMARILY RURAL INTERSTATE HIGHWAY, AND TO DIRECT USE OF TOLL PROCEEDS TO EXPANSION AND MAINTENANCE OF THAT INTERSTATE HIGHWAY AND FOR OTHER TRANSPORTATION PURPOSES.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Hagan:

S.B. 475, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hagan:

S.B. 476, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballance:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HOUSING TRUST FUND.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; Bingham, Carpenter, Carrington, Clodfelter, Dalton, Dannelly, Garwood, Horton, Hoyle, Martin of Guilford, Robinson, Warren and Webster:

S.B. 478, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FUTURE FARMERS OF AMERICA CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rucho; and Odom:

S.B. 479, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION SO AS TO PROVIDE FOR NONPARTISAN ELECTION WITH A RUNOFF IF NO CANDIDATE GETS FORTY PERCENT OF THE VOTE.

Referred to **State and Local Government Committee**.

By Senator Swindell:

S.B. 480, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A FARMERS MARKET IN NASH COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Martin of Guilford and Soles:

S.B. 481, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Forrester; and Hoyle:

S.B. 482, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 483, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE AMENDMENTS TO THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY."

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Ballance; Dalton, Foxx, Hoyle, Rand, Soles and Wellons:

S.B. 484, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA BOARD OF PHARMACY FROM SIX TO NINE.

Referred to **Commerce Committee**.

By Senators Horton; and Bingham:

S.B. 485, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF FORSYTH.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Horton; Bingham and Garrou:

S.B. 486, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

Referred to **State and Local Government Committee**.

By Senator Albertson:

S.B. 487, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR A MULTIPURPOSE BUILDING AT THE STATE FAIRGROUNDS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO IMPROVE THE TECHNOLOGY IN THE STANDARDS DIVISION.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO

THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR EXPANSION OF AGRONOMIC SERVICES LABORATORY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR FOOD AND DRUG PROTECTION IMPROVEMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 491, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR ENDANGERED PLANT PROTECTION.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 492, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR RENOVATION OF THE AGRICULTURE BUILDING.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR A NEW MOTOR FUELS LABORATORY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 494, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR A PLANT INDUSTRY DIVISION COMPLEX.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 495, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INFORMATION TECHNOLOGY IN THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR LIVESTOCK HEALTH PROGRAMS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 497, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR IMPROVEMENTS TO THE GRAHAM BUILDING AT THE STATE FAIRGROUNDS.

Referred to **Appropriations/Base Budget Committee**.

ANNOUNCEMENT OF MEMBERS ELECTED TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 103**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and **S.R. 267**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING ONE AT-LARGE MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and with 43 ballots having been properly completed, Senator Lucas, Co-Chair of the Education/Higher Education Committee, announces the results of the election of members to the Board of Governors of the University of North Carolina, as follows:

AT-LARGE CATEGORY
Four-year term expires June 30, 2005

G. Irvin Aldridge
Ray S. Farris
Jim W. Phillips, Jr.
J. Bradley (Brad) Wilson

MINORITY RACE CATEGORY
Four-year term expires June 30, 2005

Bert Collins
Dr. Willie J. Gilchrist

WOMAN CATEGORY
Four-year term expires June 30, 2005

Anne W. Cates
Hannah D. Gage

AT-LARGE CATEGORY (Unexpired term)
Term expires June 30, 2003

John W. Davis III

The President declares G. Irvin Aldridge, Ray S. Farris, Jim W. Phillips, Jr., J. Bradley Wilson, Bert Collins, Dr. Willie J. Gilchrist, Anne W. Cates and Hannah D. Gage duly elected to the Board of Governors of The University of North Carolina, and she further orders a special message sent to the House of Representatives informing that Honorable Body of such action. The President directs Senator Lucas, Co-Chair of the Education/Higher Education Committee, to notify the Secretary of the Board of Governors of the University of North Carolina of the names of the persons elected by the Senate and the category and term for which each person was elected.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and

disposed of, as follows:

H.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NASH AND DUPLIN COUNTIES TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

Referred to **State and Local Government Committee**.

H.B. 78, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT GRANDPARENTS MAY ACT AS SUPERVISING DRIVERS FOR DRIVERS HOLDING LIMITED LEARNER'S PERMITS.

Referred to **Transportation Committee**.

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE PENALTIES FOR FAILURE TO MEET CERTAIN TAX-RELATED DEADLINES BECAUSE OF A PRESIDENTIALLY DECLARED DISASTER.

Referred to **Finance Committee**.

H.B. 329, A BILL TO BE ENTITLED AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS.

Referred to **Children and Human Resources Committee**.

H.B. 342, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY, PHOTOGRAPHIC REPRODUCTION, AND RETENTION OF RECORDS OF THE EMPLOYMENT SECURITY COMMISSION.

Referred to **Judiciary I Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—42.

Voting in the negative: Senators Allran, Hoyle, Rucho and Webster—4.

The Committee Substitute bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 336, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN CABARRUS COUNTY.

The President orders, without objection, the bill temporarily displaced.

H.B. 86, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY

VOTE TO BREAK TIES.

The bill passes its second and third readings and is ordered enrolled.

H.B. 175, A BILL TO BE ENTITLED AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION, as amended by committee.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR OF THEIR ELECTION.

The bill passes its second and third readings and is ordered enrolled.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, March 19, upon third reading.

S.B. 10 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE BALLOT ACCESS LAWS.

Senator Ballantine offers Amendment No. 1.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**, with Amendment No. 1 pending.

The Chair grants a leave of absence for the remainder of today's session to Senator Garwood.

S.B. 30 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE SEA OATS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD

CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

The Chair grants a leave of absence for the remainder of today's session to Senator Forrester.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER.

With unanimous consent, upon motion of Senator Kinnaird, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 20.

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE.

Without objection, Senator Metcalf and Senator Swindell request to be excused from voting on the bill due to a conflict of interest.

Senator Albertson offers Amendment No. 1 which is adopted (42-0).

The bill, as amended, passes its second reading (38-4).

Senator Weinstein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, March 19, upon third reading.

The President relinquishes the gavel to Senator Ballance, Deputy President Pro Tempore, who presides in the absence of the Lieutenant Governor.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 47, AN ACT AUTHORIZING THE TOWN OF FAIRMONT TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (Became law upon ratification, March 14, 2001–S.L. 2001-2.)

The Chair grants a leave of absence for the remainder of today's session to Senator Jordan.

CALENDAR (*continued*)

S.B. 71 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON

SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS, with Amendment No. 3 pending.

Senator Carter offers Amendment No. 4, a substitute Amendment for Amendment No. 3, which is adopted (38-5).

The Committee Substitute bill, as amended, passes its third reading (40-3) and is ordered engrossed and sent to the House of Representatives.

S.B. 336, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN CABARRUS COUNTY, temporarily displaced earlier.

Senator Swindell offers Amendment No. 1 which is adopted (42-0), and changes the title to read **S.B. 336**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN CABARRUS COUNTY OR IN HALIFAX COUNTY.

Senator Webster offers Amendment No. 2 which is adopted (42-0), and changes the title to read **S.B. 336**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN VARIOUS COUNTIES OR IN HALIFAX COUNTY.

The bill, as amended, passes its second (42-0) and third readings and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Rand, seconded by Senator Odom, the Senate adjourns at 12:55 P.M. to meet Monday, March 19, at 7:00 P.M.

THIRTY-FIRST DAY

Senate Chamber
Monday, March 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, may we never take for granted the privilege of opening the Senate each day with prayer, prayers of confession, prayers of thanksgiving, prayers for the Senate family in its corporate work and prayers of petition for the private issues that each person here has on his or her mind and heart. But help us, O God, never to make our prayers a substitute for what we should do with our lives. What our prayers begin, may our lives continue. To your glory we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Clodfelter, Senator Hagan, Senator Hartsell, Senator Hoyle, Senator Martin of Pitt and Senator Rand.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Desmond Kimo Runyan from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day,

and to Gwen Waddell-Schultz from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 86, AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY VOTE TO BREAK TIES.

H.B. 278, AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR OF THEIR ELECTION.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3665 is adopted and engrossed.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE.

With unanimous consent, upon motion of Senator Albertson, the bill is withdrawn from tonight's Calendar and is re-referred to the **Education/Higher Education Committee**.

S.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF WEST NORMAN SUBJECT TO A REFERENDUM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—40.

Voting in the negative: Senators Allran, Forrester, Rucho and Webster—4.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, upon third reading.

With unanimous consent, upon motion of Senator Basnight, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, March 21, upon third reading.

S.B. 258, A BILL TO BE ENTITLED AN ACT TO REQUIRE RESCISSION OFFERS TO BE FILED WITH THE SECRETARY OF STATE.

With unanimous consent, upon motion of Senator Basnight, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, March 20.

S.B. 259, A BILL TO BE ENTITLED AN ACT TO AMEND THE SECURITIES DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION.

With unanimous consent, upon motion of Senator Basnight, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, March 20.

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT.

With unanimous consent, upon motion of Senator Basnight, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, March 20.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR UNIFORM MUNICIPAL OCCUPANCY TAXES IN AVERY COUNTY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.B. 108 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM, HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, SWAIN, VANCE, AND WARREN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.B. 148, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.B. 189, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.B. 306, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.J.R. 376 (Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Pursuant to Rule 43, the Committee Substitute joint resolution is ordered held in the Office of the Principal Clerk, pending referral to committee.

H.J.R. 481, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

Pursuant to Rule 43, the joint resolution is ordered held in the Office of the Principal Clerk, pending referral to committee.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Lauren Elizabeth Ainsley, Tarboro; Jennifer Amundsen, Apex; Joshua T. Bellamy, Fuquay-Varina; Miller Kathryn Blalock, Jefferson; Jessica Briley, Tarboro; Sarah Katherine Burris, Albemarle; Marion Keith Crain II, Crossnore; Shelby Antoinette Crandol, Raleigh; Kelly Dennis, Raleigh; Heather A. Faison, Raleigh; Reid Alan Hottel, Raleigh; Cigi Dominique' Howard, Raleigh; Richard Tucker Mabry, Laurinburg; Kevin Porter, West Jefferson; James M. Sanders, Jr., Raleigh; Sarah Elizabeth Schooley, Albemarle; Sara Jane

Simpson, Cherryville; Amber Nicole Stroupe, Cherryville; Adisa Abiola Tobin, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns subject to introduction of bills, to meet Tuesday, March 21, at 3:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Lucas; Clodfelter, Dannelly, Foxx and Kinnaird:
S.B. 498, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRACTICE OF MIDWIFERY BY CERTIFIED PROFESSIONAL MIDWIVES.
Referred to **Health Care Committee**.

By Senators Hartsell, Soles; and Carpenter:
S.B. 499, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO ADOPTION.
Referred to **Judiciary I Committee**.

By Senators Rand; Albertson, Ballantine, Harris, Jordan, Shaw of Cumberland, Soles and Weinstein:
S.B. 500, A BILL TO BE ENTITLED AN ACT TO REGULATE INTERBASIN TRANSFERS AND TO RESTRICT THE TRANSFER OF WATER BETWEEN THE VARIOUS RIVER BASINS IN THE STATE.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Purcell and Plyler:
S.B. 501, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SCOTLAND.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Martin of Guilford; Hagan and Shaw of Guilford:
S.B. 502, A BILL TO BE ENTITLED AN ACT FOR THE GUILFORD COUNTY TEEN COURT PROGRAM.
Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell and Plyler:
S.B. 503, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SCOTLAND.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 504, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF EDEN.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 505, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SURRY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 506, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STOKES.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 507, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ASHE.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 508, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALLEGHANY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 509, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Berger:
S.B. 510, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas; Ballance, Dannelly, Jordan, Kinnaird, Lee, Martin of Guilford, and Shaw of Cumberland:
S.B. 511, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HOSPITALITY AND TOURISM PROGRAM AT NORTH CAROLINA CENTRAL UNIVERSITY.
Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas; Dannelly, Jordan and Kinnaird:
S.B. 512, A BILL TO BE ENTITLED AN ACT TO SUSPEND THE APPLICATION OF THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS UNTIL ADEQUATE RESOURCES ARE AVAILABLE TO ENSURE THAT ALL STUDENTS HAVE A FULL AND FAIR OPPORTUNITY TO PASS THESE STANDARDS.
Referred to **Education/Higher Education Committee**.

By Senators Lucas; and Garrou:
S.B. 513, A BILL TO BE ENTITLED AN ACT TO REPEAL G.S. 110-108 TO CONFORM WITH FEDERAL REQUIREMENTS.
Referred to **Judiciary I Committee**.

By Senator Miller:
S.B. 514, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF GARNER TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES AND SHRUBS WITHIN THE TOWN AND THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION.
Referred to **State and Local Government Committee**.

By Senators Lucas; Dannelly, Gulley, Kinnaird, Miller and Purcell:
S.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW

PERTAINING TO THE SCHOOL HEALTH CURRICULUM.
Referred to **Education/Higher Education Committee**.

By Senator Foxx:
S.B. 516, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WATAUGA.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas; Ballance, Clodfelter, Dannelly, Kinnaird and Shaw of Cumberland:
S.B. 517, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON THE INVESTIGATION OF CHILD ABUSE AND NEGLECT IN CHILD CARE FACILITIES.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Foxx:
S.B. 518, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ROCKINGHAM.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Foxx:
S.B. 519, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ALLEGHANY.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Foxx:
S.B. 520, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF SURRY.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Odom, Purcell; Albertson, Allran, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Weinstein and Wellons:
S.B. 521, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA STUDY COMMISSION ON MEDICAL EXAMINERS.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Odom; Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Metcalf, Miller, Moore, Purcell, Rand, Rucho, Shaw of Cumberland, Soles, Weinstein and Wellons:
S.B. 522, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO SUPPORT THE NORTH CAROLINA ARTS COUNCIL.
Referred to **Appropriations/Base Budget Committee**.

By Senators Odom; Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Gulley, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Martin of Guilford, Miller, Moore, Plyler, Purcell, Rand, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Weinstein and

Wellons:

S.B. 523, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A GRASSROOTS SCIENCE MUSEUM PROGRAM ADMINISTERED BY THE MUSEUM OF NATURAL SCIENCES TO IMPROVE STATE PROGRAMS IN SCIENCE AND ENVIRONMENTAL EDUCATION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Odom; Clodfelter, Dannelly and Rucho:

S.B. 524, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

By Senators Kerr; and Hoyle:

S.B. 525, A BILL TO BE ENTITLED AN ACT TO MODIFY STATE TAX EXPENDITURES TO PROVIDE FOR A MORE EFFICIENT AND EQUITABLE TAX SYSTEM.

Referred to **Finance Committee**.

By Senators Kerr; and Hoyle:

S.B. 526, A BILL TO BE ENTITLED AN ACT TO CREATE AND FUND THE ENVIRONMENT AND EDUCATION TRUST FUND.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kerr; and Hoyle:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR A SALES AND USE TAX EXEMPTION FOR CERTAIN PURCHASES MADE BY A LOCAL SCHOOL ADMINISTRATIVE UNIT.

Referred to **Finance Committee**.

By Senator Foxx:

S.B. 528, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF STOKES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Foxx:

S.B. 529, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF ASHE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 530, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF TAYLORTOWN TO ADOPT AN ORDINANCE REPEALING THE ORDINANCE ANNEXING THE AREA KNOWN AS PINESAGE.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Dalton; Carter, Gulley, Hartsell, Hoyle, Lucas, and Martin of Guilford:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT.

Referred to **Education/Higher Education Committee**.

By Senators Dalton; Carter, Gulley, Hartsell, Hoyle and Lucas:

S.B. 532, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO

APPEAL TO A LOCAL BOARD OF EDUCATION.

Referred to **Education/Higher Education Committee**.

By Senators Clodfelter; Dannelly and Odom:

S.B. 533, A BILL TO BE ENTITLED AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES.

Referred to **State and Local Government Committee**.

By Senators Clodfelter; Dannelly and Odom:

S.B. 534, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS.

Referred to **State and Local Government Committee**.

By Senators Clodfelter; Dannelly and Odom:

S.B. 535, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY OF CHARLOTTE'S AREAS OF SPHERE OF INFLUENCE.

Referred to **Finance Committee**.

By Senators Clodfelter; Ballance, Gulley, Jordan, Kinnaird, Odom and Rand:

S.B. 536, A BILL TO BE ENTITLED AN ACT TO DEDICATE A PORTION OF COURT COSTS TO PROVIDE ACCESS TO CIVIL JUSTICE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Albertson, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MATCH FEDERAL FUNDS TO PROVIDE FULL MEDICAID COVERAGE TO ELIGIBLE WOMEN DETERMINED TO NEED TREATMENT FOR BREAST CANCER OR CERVICAL CANCER.

Referred to **Appropriations/Base Budget Committee**.

By Senators Thomas, Albertson and Jordan:

S.B. 538, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ALLOW MORE FLEXIBILITY IN CREATING TWO-COUNTY INDUSTRIAL PARKS.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 539, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE SERVICES COMMISSION TO OPERATE THE SNACK BAR IN THE LEGISLATIVE OFFICE BUILDING.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Gulley and Lucas:

S.B. 540, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE MUSEUM OF LIFE AND SCIENCE FOR CAPITAL EXPANSION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Foxx; Albertson, Allran, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Forrester, Garwood, Hagan, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Purcell, Rand, Shaw of Cumberland, Thomas, Webster, Weinstein and Wellons:

S.B. 541, A BILL TO BE ENTITLED AN ACT PERTAINING TO LICENSING OF CERTAIN INSTITUTIONS OR FACILITIES WHOSE WATER SOURCE IS A SPRING.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Foxx; Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Garwood, Hartsell, Kerr, Kinnaird, Metcalf, Moore, Odom, Rucho:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES.

Referred to **Children & Human Resources Committee**.

By Senators Forrester; and Carpenter:

S.B. 543, A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES.

Referred to **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:35 P.M.

THIRTY-SECOND DAY

Senate Chamber
Tuesday, March 20, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, I guess we need to be reminded over and over again that the purpose of our desire for a relationship with you is not to keep us happy or make us prosperous or cure our headaches, however much, incidentally and indirectly, it may do that. The purpose of our faith journey is to help us stand, to keep our footing in good times and to make something of ourselves in the struggles of life.

It is just not true (as some would have us believe) that adversity is the mark of your

disfavor and prosperity the evidence of your smile. Thank you for the promise of your presence regardless of our circumstances. Amen"

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. George Podgomy from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Penny Faulkner from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 86, AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR OF RENNERT AND PROVIDE THAT THE MAYOR MAY ONLY VOTE TO BREAK TIES. (Became law upon ratification, March 19, 2001–S.L. 2001-3.)

H.B. 278, AN ACT TO PROVIDE THAT THE TYRRELL COUNTY BOARD OF EDUCATION SHALL TAKE OFFICE IN JULY OF THE YEAR OF THEIR ELECTION. (Became law upon ratification, March 19, 2001–S.L. 2001-4.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 165, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3673 is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 97, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF INSURANCE AND OTHER ENTITIES TO IMPLEMENT AN OUTREACH STRATEGY TO INFORM THE PUBLIC ABOUT LONG-TERM CARE FUNDING AND PAYMENT OPTIONS, with a favorable report.

Upon motion of Senator Wellons, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 12 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO USE CERTIFIED ANNUAL POPULATION ESTIMATES RATHER THAN THE DECENNIAL CENSUS WHEN DETERMINING ELIGIBILITY FOR INCORPORATION OF NEW MUNICIPALITIES WHICH ARE IN PROXIMITY TO EXISTING MUNICIPALITIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3652, is adopted and engrossed.

COMMITTEE REFERRALS

Bills and resolutions received from the House of Representatives on Monday, March 19, and ordered held in the Office of the Principal Clerk pending referral to committee are withdrawn from the Clerk's office and referred as follows:

H.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR UNIFORM MUNICIPAL OCCUPANCY TAXES IN AVERY COUNTY.

Referred to **Finance Committee**.

H.B. 108 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM, HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, SWAIN, VANCE, AND WARREN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to **Finance Committee**.

H.B. 148, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 189, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998 AND TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND BY ONE YEAR TO OCTOBER 1, 2002, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 306, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE

OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.
Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.
Referred to **Children & Human Resources Committee**.

H.J.R. 376 (Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.
Referred to **Rules and Operations of the Senate Committee**.

H.J.R. 481, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.
Referred to **Commerce Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR REIMBURSEMENT FOR ADULT DAY CARE FROM THE HOME AND COMMUNITY CARE BLOCK GRANT FUND.
Referred to **Children & Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS.
Referred to **Finance Committee**.

H.B. 331, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL PUBLIC MEMBERS OF THE INFORMATION RESOURCE MANAGEMENT COMMISSION.
Referred to **Information Technology Committee**.

H.B. 352, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXPIRATION DATE IN THE RISK SHARING PLAN LAW.
Referred to **Insurance and Consumer Protection Committee**.

H.B. 357, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNTS OF LIABILITY INSURANCE THAT MAY BE CEDED TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY TO FACILITATE THE PURCHASE OF EXCESS OR UMBRELLA COVERAGE BY MOTOR VEHICLE OWNERS AND TO CLARIFY OTHER LAWS RELATING TO UMBRELLA INSURANCE.
Referred to **Insurance and Consumer Protection Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CONCORD IN CABARRUS COUNTY AND THE CITY OF MONROE AND THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

With unanimous consent, upon motion of Senator Plyler, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, March 21.

S.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

The Committee Substitute bill passes its second reading (48-0).

Senator Dannelly objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, March 21, upon third reading.

S.B. 258, A BILL TO BE ENTITLED AN ACT TO REQUIRE RESCISSION OFFERS TO BE FILED WITH THE SECRETARY OF STATE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 259, A BILL TO BE ENTITLED AN ACT TO AMEND THE SECURITIES DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION.

The bill passes its second reading (49-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, March 21, upon third reading.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER.

The President orders, without objection, the bill temporarily displaced.

S.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER, temporarily displaced earlier.

Senator Webster offers Amendment No. 1 which fails of adoption (14-35).

The bill passes its second (46-3) and third readings and is ordered sent to the House of Representatives.

ADDITIONAL SPONSORS

Senator Dannelly, Senator Swindell, Senator Thomas and Senator Weinstein request to be added as sponsors of previously introduced legislation:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

Senator Kinnaird requests to be added as a sponsor of previously introduced legislation:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO SUPPORT THE NORTH CAROLINA ARTS COUNCIL.

Upon motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns subject to introduction of bills, to meet tomorrow, Wednesday, March 21, at 3:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Wellons:
S.B. 544, A BILL TO BE ENTITLED AN ACT TO CORRECT AN INCONSISTENCY IN THE HENDERSON FIREMEN'S SUPPLEMENTAL RETIREMENT ACT.
Referred to **Pensions & Retirement and Aging Committee**.

By Senator Purcell:
S.B. 545, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE NUMBER OF COMMUNITY-BASED PHARMACEUTICAL ASSISTANCE PROGRAMS FOR LOW-INCOME ELDERLY PERSONS IN NORTH CAROLINA.
Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell; Forrester, Kinnaird, and Martin of Guilford:
S.B. 546, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.
Referred to **Judiciary I Committee**.

By Senators Lucas; and Gulley:
S.B. 547, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO PROHIBIT DISCRIMINATION IN EMPLOYMENT, PUBLIC ACCOMMODATIONS, AND HOUSING BASED ON CRITERIA IN ADDITION TO RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, AND AGE, AND TO PRESCRIBE THE PROCEDURE FOR THE ADOPTION OF ANY SUCH ORDINANCE.
Referred to **State and Local Government Committee**.

By Senator Lee:

S.B. 548, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE STATE BOARD OF EDUCATION TO REVISE CERTAIN PROVISIONS RELATED TO THE ABCS OF PUBLIC EDUCATION PROGRAM.

Referred to **Education/Higher Education Committee**.

By Senators Foxx; and Berger:

S.B. 549, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE TAXES AND MODIFYING A SIMILAR REQUIREMENT FOR ALLEGHANY COUNTY.

Referred to **Finance Committee**.

By Senator Ballance:

S.B. 550, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GATES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballance:

S.B. 551, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Kinnaird; Ballance, Carter, Gulley, Lee, Lucas, Miller, Purcell, Shaw of Cumberland, Soles, Warren, Weinstein and Wellons:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Ballance:

S.B. 553, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 554, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF THE NEILL'S CREEK SENIOR CENTER IN HARNETT COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 555, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A VETERANS MEMORIAL PAVILION IN THE TOWN OF BROADWAY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Moore; and Garwood:

S.B. 556, A BILL TO BE ENTITLED AN ACT TO ALLOW MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO BE USED FOR PURPOSES ASSOCIATED WITH EMERGENCY RESPONSE.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the

Appropriations/Base Budget Committee.

By Senators Garwood; and Moore:

S.B. 557, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM.

Referred to **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:55 P.M.

THIRTY-THIRD DAY

Senate Chamber
Wednesday, March 21, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, forgive us when we give our best efforts to the wrong things. Sometimes we put more enthusiasm, thought and energy into pleasures than our work, or we give our best selves to strangers and act with discourtesy to those we know and care for the most. Sometimes we even become irritated about things which in reality matter little at all.

"So help us see what is important and unimportant so that we may never forget the things that matter, and so that we may never allow the things which do not matter to matter too much. To Your Glory we pray, Amen."

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Wesley Grimes Byerly, Jr. from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Elizabeth Newton from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 183 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW EMERGENCY SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

Referred to **Judiciary I Committee**.

H.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.

Referred to **Education/Higher Education Committee**.

H.B. 446, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO ENTER COOPERATIVE AGREEMENTS FOR MANAGEMENT OF ABC STORES.

Referred to **Commerce Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CONCORD IN CABARRUS COUNTY AND THE CITY OF MONROE AND THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES THAT HAVE ENTERED INTO ANNEXATION AGREEMENTS TO ANNEX CERTAIN NONCONTIGUOUS AREAS WITHOUT COMPLYING WITH GENERAL ANNEXATION STANDARDS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Dalton for the **Education/Higher Education Committee**:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO APPOINT THE STATE PRINCIPAL OF THE YEAR TO THE STATE BOARD OF EDUCATION AS AN ADVISORY MEMBER, with a favorable report.

S.B. 139, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS, with an unfavorable report as to bill,

but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3707 is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO SET OUT THE BOUNDARIES OF THE TOWN OF BOSTIC AND TO VALIDATE ACTIONS OF THE TOWN, with a favorable report.

S.B. 123, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3691, which changes the title to read **S.B. 123** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR JAILS AND FOR WATER AND SEWER PROJECTS, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 12 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO USE CERTIFIED ANNUAL POPULATION ESTIMATES RATHER THAN THE DECENNIAL CENSUS WHEN DETERMINING ELIGIBILITY FOR INCORPORATION OF NEW MUNICIPALITIES WHICH ARE IN PROXIMITY TO EXISTING MUNICIPALITIES.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE STUDY COMMISSION ON CHILDREN WITH SPECIAL NEEDS.

Senator Dannelly offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CONCORD IN CABARRUS COUNTY AND THE CITY OF MONROE AND THE TOWNS OF MARSHVILLE AND STALLINGS IN UNION COUNTY TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED, temporarily displaced earlier.

Senator Plyler offers Amendment No. 1 which is adopted (47-2), and changes the title to read **S.B. 243** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CITIES AND TOWNS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION AND TO PREVENT INSURANCE POINTS FROM BEING ASSESSED.

The Committee Substitute bill, as amended, passes its third reading (45-4) and is ordered engrossed and sent to the House of Representatives.

S.B. 259, A BILL TO BE ENTITLED AN ACT TO AMEND THE SECURITIES

DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION.

The bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Robinson, the Senate adjourns subject to introduction of bills, to meet tomorrow, Thursday, March 22, at 11:00 A.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hoyle:

S.B. 558, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF LINCOLNTON TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

By Senator Carter:

S.B. 559, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 560, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MCDOWELL.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 561, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BURKE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 562, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 563, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF MORGANTON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 564, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF YANCEY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 565, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF MADISON.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 566, A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

Referred to **Education/Higher Education Committee**.

By Senator Swindell:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXTENSION OF WATER AND SEWER LINES TO NEW INDUSTRIAL SITES IN NASH COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas and Gulley:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DIABETES PREVENTION AND CONTROL.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; Ballantine, and Warren:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE CONSTRUCTION OF A PUBLIC WORKS FACILITY, AN ENVIRONMENTAL EDUCATION CENTER, AND A CIVIC CENTER AND THE RENOVATION OF THE FIRST CITIZENS BANK AND CITY HALL.

Referred to **State and Local Government Committee**.

By Senators Odom, Martin of Pitt and Metcalf:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; and Metcalf:

S.B. 571, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE SALARIES AND BENEFITS PAID TO EMPLOYEES OF LOCAL SENTENCING SERVICES PROGRAMS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Albertson, Ballance, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein, and Wellons:

S.B. 573, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 575, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 576, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 577, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carpenter:

S.B. 578, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Jordan:

S.B. 579, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE VACANT SUPERIOR COURT JUDGESHIP IN DISTRICT 4B.

Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:42 P.M.

THIRTY-FOURTH DAY

Senate Chamber
Thursday, March 22, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our God, we pray that we have acquitted ourselves well this week in Your service, realizing any blind spots we possess in order to be teachable and willing to learn, realizing our weaknesses that we may be prepared to overcome temptations put before us, understanding that there is bad in the best of us and so much good in the worst of us that it does not become us to find fault in others. Keep us humble and ever reaching for your

will in our lives. It's in your holy name we pray, Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Hagan, Senator Martin of Pitt, Senator Odom, Senator Reeves and Senator Shaw of Guilford.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. John Myers Blount III from Salisbury, North Carolina, who is serving the Senate as Doctor of the Day, and to Kim Bernhardt-Tindal from Kings Mountain, North Carolina, who is serving the Senate as Nurse of the Day.

RECOGNITION OF AZALEA PRINCESS AND COURT

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to the Azalea Festival Princess and Court and the Azalea Festival President, David Kaufman. Senator Ballantine, Senator Jordan and Senator Soles are appointed to escort the guests to the Well of the Senate.

Jamie Deever, Azalea Princess, introduces the members of her court. She presents a framed print commemorating the Festival to the President of the Senate, Lieutenant Governor Perdue, who accepts the gift on behalf of the Senate. The President recognizes Senator Ballantine who acknowledges members of the Azalea Festival Committee present in the Gallery. The guests are escorted from the Chamber to a standing ovation.

REPORTS OF COMMITTEES

Senator Dalton, Senior Chair of the **Education/Higher Education Committee**, submits the following report:

TO: Members of the Senate

FROM: Senator Walter Dalton, Senior Chair
Senator Charles Carter, Vice Chair
Senator Jeanne Lucas, Vice Chair
Senate Committee on Education/Higher Education

RE: State Board of Community Colleges Election

The Senate Committee on Education/Higher Education has met and nominates the following individuals to fill one at-large seat on the State Board of Community Colleges for a six-year term effective July 1, 2001 and ending June 30, 2007:

G. Gordon Greenwood	Jeffrey Nelson
Rudolph Howell	Stuart Fountain

The committee also nominates the following individual to fill an unexpired term effective immediately and ending June 30, 2005:

Mr. James Woody

No additional nominations shall be received from the floor.

ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES

The **Education/Higher Education Committee** places in nomination the names of G. Gordon Greenwood, Rudolph Howell, Jeffrey Nelson and Stuart Fountain for the at-large seat for a six-year term effective July 1, 2001, and ending June 30, 2007. The Committee places in nomination the name of James Woody to fill an unexpired term effective immediately and ending June 30, 2005.

Senator Wellons is recognized and withdraws the name of Rudolph Howell. Senator Hoyle is recognized and withdraws the name of Jeffrey Nelson. Senator Martin of Guilford is recognized and withdraws the name of Stuart Fountain for the at-large seat.

Senator Dalton is recognized and outlines the procedures to be followed and announces that pursuant to G.S. 115D-2.1(b)(4)f., no further nominations shall be received. He further states that G. Gordon Greenwood is the sole candidate to be considered for the term effective July 1, 2001, and ending June 30, 2007.

The President orders the Reading Clerk to call the roll and directs the Members to vote "aye" or "no" for G. Gordon Greenwood.

Members voting for G. Gordon Greenwood are as follows: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—43.

Those voting against G. Gordon Greenwood are as follows: None.

In compliance with G.S. 115-2.1(b)(4)f., the election of G. Gordon Greenwood for a six-year term beginning July 1, 2001, and expiring June 30, 2007, is confirmed by an electronically recorded vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—43.

Voting in the negative: None.

The President declares G. Gordon Greenwood elected to the State Board of Community Colleges for a six-year term, effective July 1, 2001, and ending June 30, 2007.

The President orders the Reading Clerk to call the roll and directs the members to vote "aye" or "no" for James Woody.

Members voting for James Woody are as follows: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Those voting against James Woody are as follows: None.

In compliance with G.S. 115-2.1(b)(4)f., the election of James Woody to fill the unexpired term of Carolyn Harmon effective immediately and ending June 30, 2005, is confirmed by an electronically recorded vote, which motion prevails by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger,

Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The President declares James Woody elected to the State Board of Community Colleges to fill an unexpired term effective immediately and ending June 30, 2005. The President orders a special message sent to the House of Representatives informing that Honorable Body of the election of Mr. Greenwood and Mr. Woody.

The President extends congratulations to G. Gordon Greenwood and James Woody.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 113, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3708 is adopted and engrossed.

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed on the Calendar for Tuesday, March 27.

S.B. 166, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3704 is adopted and engrossed.

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed on the Calendar for Tuesday, March 27.

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 2 is adopted and engrossed.

Upon motion of Senator Shaw, the bill is placed on the Calendar for Tuesday, March 27.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 212, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN MUNICIPALITIES IN NEW HANOVER COUNTY TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED, with a favorable report.

Upon motion of Senator Robinson, the bill is placed on the Calendar for Tuesday, March 27.

S.B. 399, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE, with a favorable report.

Upon motion of Senator Robinson, the bill is placed on the Calendar for Tuesday, March 27.

S.B. 471, A BILL TO BE ENTITLED AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD, with a favorable report.

Upon motion of Senator Robinson, the bill is placed on the Calendar for Tuesday, March 27.

S.B. 439, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3705 is adopted and engrossed.

Upon motion of Senator Robinson, the Committee Substitute bill is placed on the Calendar for Tuesday, March 27.

H.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NASH COUNTY TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3239, which changes the title to read **H.B. 18** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NASH AND DUPLIN COUNTIES TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE, is adopted and engrossed.

Upon motion of Senator Robinson, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, March 27.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 175, AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON.
Referred to **Finance Committee**.

H.B. 72, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR APPLYING FOR A RELEASE OR REFUND OF PROPERTY TAXES AFTER THE OWNER HAS SURRENDERED THE VEHICLE LICENSE PLATE.
Referred to **Finance Committee**.

H.B. 75, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE APPELLATE DIVISION REPORTS TO THE CHEROKEE SUPREME COURT.
Referred to **Appropriations/Base Budget Committee**.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS.
Referred to **Finance Committee**.

H.B. 334, A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO EXEMPT FROM THE DEFINITION OF EMPLOYMENT STUDENT INTERNS OF THE NORTH CAROLINA INTERNSHIP COUNCIL.
Referred to **Finance Committee**.

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS.
Referred to **Insurance and Consumer Protection Committee**.

S.B. 85 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO COLLABORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE, for concurrence in House Amendment No. 1.
The Committee Substitute bill is placed on the Calendar for Tuesday, March 27.

WITHDRAWAL FROM CALENDAR

Upon motion of Senator Rand, all bills on the Calendar for Monday, March 26, will be placed on the Calendar for Tuesday, March 27.

WITHDRAWAL FROM COMMITTEE

H.J.R. 376 (Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, referred to the **Rules and Operations of the Senate Committee** on March 20.
Upon motion of Senator Rand, the Committee Substitute joint resolution is withdrawn

from the Committee and placed before the Senate for immediate consideration.

The Committee Substitute joint resolution passes its second (44-0) and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO SET OUT THE BOUNDARIES OF THE TOWN OF BOSTIC AND TO VALIDATE ACTIONS OF THE TOWN.

The President rules that the bill requires a call of the roll.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative are: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The bill is placed on the Calendar for Tuesday, March 27, upon third reading.

S.B. 123 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—43.

Voting in the negative: None.

The Committee Substitute bill is placed on the Calendar for Tuesday, March 27, upon third reading.

S.B. 139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 27.

S.B. 394, A BILL TO BE ENTITLED AN ACT TO APPOINT THE STATE PRINCIPAL OF THE YEAR TO THE STATE BOARD OF EDUCATION AS AN ADVISORY MEMBER.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 376 , A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE. (Res. 6)

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns subject to introduction of bills, to meet Monday, March 26, at 6:45 P.M.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Purcell; Dalton and Weinstein:

S.B. 580, A BILL TO BE ENTITLED AN ACT TO REDUCE THE COUNTY SHARE OF NONFEDERAL PAYMENTS FOR THE MEDICAID PROGRAM FOR CERTAIN COUNTIES AND TO APPROPRIATE FUNDS TO COVER THE REDUCTION IN COUNTY NONFEDERAL PAYMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Purcell:

S.B. 581, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES FOR GROUP HOMES FOR AUTISTIC PERSONS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Purcell:

S.B. 582, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE THE TEACCH PROGRAM TO PROVIDE SERVICES TO CHILDREN AND ADULTS WITH AUTISM AND OTHER COMMUNICATION HANDICAPS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Purcell:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADMINISTRATIVE OPERATIONS OF THE AUTISM SOCIETY OF NORTH CAROLINA TO SUPPORT SERVICES PROVIDED ON BEHALF OF THE STATE.

Referred to **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 584, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

Referred to **Finance Committee**.

By Senators Plyler, Purcell, Hoyle; Bingham, Dalton, Hartsell, Lee, Odom, Rand and Soles:

S.J.R. 585, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COBLE FUNDERBURK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hartsell; Bingham, Carpenter, Clodfelter, Dalton, Foxx, Garrou, Rand and Wellons:

S.B. 586, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

Referred to **Education/Higher Education Committee**.

By Senators Lucas and Gulley:

S.B. 587, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

Referred to **State and Local Government Committee**.

By Senators Lucas and Gulley:

S.B. 588, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE.

Referred to **State and Local Government Committee**.

By Senators Dannelly; Odom and Rucho:

S.B. 589, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM.

Referred to **Commerce Committee**.

By Senators Dannelly; and Rucho:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING.

Referred to **State and Local Government Committee**.

By Senator Robinson:

S.B. 591, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX FOR INFRASTRUCTURE AND CAPITAL IMPROVEMENT PURPOSES.

Referred to **Finance Committee**.

By Senator Robinson:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY A ONE-CENT LOCAL SALES AND USE TAX.

Referred to **Finance Committee**.

By Senator Allran:

S.B. 593, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF HICKORY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 594, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTIES OF ALEXANDER, BERTIE, CALDWELL, AND CATAWBA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HICKORY TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Referred to **State and Local Government Committee**.

By Senator Kerr:

S.B. 596, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY IN STATE GOVERNMENT BY ALLOWING A SALES AND USE TAX EXEMPTION FOR STATE AGENCIES INSTEAD OF A SALES AND USE TAX REFUND TO STATE AGENCIES.

Referred to **Finance Committee**.

By Senator Metcalf:

S.B. 597, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Metcalf:

S.B. 598, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Carpenter; Allran, Ballantine, Forrester and Foxx:

S.B. 599, A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO USE TECHNOLOGY AND TAKE OTHER EFFECTIVE MEASURES TO LIMIT ACCESS OF CHILDREN TO OBSCENE OR VIOLENT MATERIAL ON THE INTERNET.

Referred to **Judiciary I Committee**.

By Senator Gulley:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

Referred to **Transportation Committee**.

By Senators Gulley and Lucas:

S.B. 601, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO USE A PORTION OF THE FACILITIES FEES COLLECTED BY THE CITY TO DEFRAY THE COSTS OF ADMINISTERING THE FACILITIES FEE PROGRAM.

Referred to **Finance Committee**.

By Senators Gulley and Lucas:

S.B. 602, A BILL TO BE ENTITLED AN ACT AMENDING PROVISIONS OF THE CHARTER OF THE CITY OF DURHAM RELATED TO DEVELOPMENT AND SITE PLANS, ZONING AUTHORITY, AND CAPITAL FACILITIES FEES.

Referred to **Finance Committee**.

By Senators Gulley and Lucas:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM.

Referred to **State and Local Government Committee**.

By Senator Gulley:
S.B. 604, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC LAWS.
Referred to **Rules and Operations of the Senate Committee**.

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By Senator Gulley:
S.B. 607, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

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S.B. 608, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:
S.B. 609, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:
S.B. 610, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:
S.B. 611, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:
S.B. 612, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:
S.B. 613, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CARY TO ADOPT ORDINANCES AUTHORIZED FOR ANY OTHER MUNICIPALITY.
Referred to **Finance Committee**.

By Senator Gulley:
S.B. 614, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.
Referred to **State and Local Government Committee**.

By Senator Gulley:

S.B. 615, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

Referred to **State and Local Government Committee**.

By Senators Gulley and Lucas:

S.B. 616, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY TO IMPOSE IMPACT FEES FOR THE PURPOSE OF ACQUIRING OPEN SPACE WITHIN THE TOWN LIMITS.

Referred to **Finance Committee**.

By Senators Gulley and Lucas:

S.B. 617, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

Referred to **State and Local Government Committee**.

By Senators Gulley and Lucas:

S.B. 618, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY TO PROHIBIT THE CLEAR CUTTING OF TREES.

Referred to **State and Local Government Committee**.

By Senators Gulley and Lucas:

S.B. 619, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY TO IMPOSE IMPACT FEES FOR PARKS.

Referred to **Finance Committee**.

By Senators Gulley and Lucas:

S.B. 620, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY TO CHARGE A GENERAL GOVERNMENT IMPACT FEE FOR CAPITAL COSTS RELATED TO THE CONSTRUCTION OF GENERAL GOVERNMENT FACILITIES.

Referred to **Finance Committee**.

By Senators Gulley; and Lucas:

S.B. 621, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DURHAM COUNTY TO LEVY A TAX ON LAND DEVELOPMENT TO PAY PART OF THE COSTS OF SCHOOL CAPITAL FACILITIES.

Referred to **Finance Committee**.

By Senators Gulley; Miller and Reeves:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA.

Referred to **State and Local Government Committee**.

By Senator Wellons:

S.B. 623, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CLAYTON TO ENTER INTO AGREEMENTS FOR PAYMENTS IN LIEU OF ANNEXATION.

Referred to **Finance Committee**.

By Senator Reeves:

S.B. 624, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 625, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARLOTTE AUDITORIUM-COLISEUM-CONVENTION CENTER AUTHORITY TO LEASE OR RENT PROPERTIES FOR TERMS UP TO THIRTY YEARS.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 626, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES.

Referred to **Judiciary I Committee**.

By Senator Shaw of Guilford:

S.B. 627, A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS ADMITTED TO CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Clodfelter:

S.B. 628, A BILL TO BE ENTITLED AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 629, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES.

Referred to **State and Local Government Committee**.

By Senator Clodfelter:

S.B. 630, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FACILITIES FEE PORTION OF COURT COSTS IN MECKLENBURG COUNTY AND TO PROVIDE FOR A PORTION OF THAT INCREASE TO FUND A PILOT PROGRAM FOR EXPANSION OF COURT-APPOINTED COUNSEL FOR INDIGENT PERSONS.

Referred to **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 631, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 632, A BILL TO BE ENTITLED AN ACT CONCERNING THE CHARLOTTE-MECKLENBURG SCHOOLS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 633, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Clodfelter:

S.B. 634, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PURPOSES FOR WHICH MECKLENBURG COUNTY AND THE CITY OF CHARLOTTE MAY SPEND OCCUPANCY TAX PROCEEDS.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO LEVY A GROSS RECEIPTS TAX ON SHORT-TERM RENTALS OF CERTAIN VEHICLES.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 636, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO LEVY A GROSS RECEIPTS TAX ON CERTAIN ENTERTAINMENTS OFFERED IN CITY-OWNED FACILITIES.

Referred to **Finance Committee**.

By Senator Clodfelter:

S.B. 637, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONTRACT FOR THE DESIGN, CONSTRUCTION, EQUIPPING, AND FURNISHING OF A NEW ARENA WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF THE LAWS REGULATING PUBLIC CONTRACTS.

Referred to **Commerce Committee**.

By Senator Purcell:

S.B. 638, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REPAIRS TO THE HISTORIC GILL HOUSE IN SCOTLAND COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Kinnaird; Berger, Bingham, Carpenter, Foxx, Horton, Lee, Martin of Guilford, Plyler, Purcell and Shaw of Guilford:

S.B. 639, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEEP RIVER HERITAGE CORRIDOR WITHIN THE COUNTIES OF CHATHAM, FORSYTH, GUILFORD, LEE, MONTGOMERY, MOORE, AND RANDOLPH; TO ESTABLISH THE DEEP RIVER HERITAGE CORRIDOR PLANNING COMMITTEE; AND TO PROVIDE FOR THE PREPARATION OF A RESOURCE MANAGEMENT PLAN FOR THE DEEP RIVER HERITAGE CORRIDOR.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Rucho:

S.B. 640, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON

AGREEMENTS OR CONTRACTS THAT LIMIT THE RIGHTS OF PERSONS TO DO BUSINESS OR OBTAIN EMPLOYMENT IN THE STATE.

Referred to **Judiciary II Committee**.

By Senators Reeves; Ballantine, Foxx, Hoyle and Wellons:

S.B. 641, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT RULES TO EXPAND THE DEFINITION OF UNIVERSAL SERVICE TO INCLUDE STATEWIDE INTERNET ACCESS AND OTHER TECHNOLOGICAL TELECOMMUNICATIONS ADVANCES.

Referred to **Commerce Committee**.

By Senators Wellons and Swindell:

S.B. 642, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE IMAGINATION STATION SCIENCE MUSEUM IN THE CITY OF WILSON.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas; and Gulley:

S.B. 643, A BILL TO BE ENTITLED AN ACT MAKING MISCELLANEOUS CHANGES IN THE ZONING AUTHORITY OF DURHAM COUNTY.

Referred to **State and Local Government Committee**.

By Senator Hoyle:

S.B. 644, A BILL TO BE ENTITLED AN ACT CONCERNING DARE COUNTY UTILITY UNDERGROUNDING.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Garwood; and Moore:

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER.

Referred to **State and Local Government Committee**.

By Senators Rand; and Cunningham:

S.B. 646, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, TO OBSTRUCT OR DELAY THE ANIMAL IN THE PERFORMANCE OF ITS OFFICIAL DUTIES, OR TO TEASE OR HARASS THE ANIMAL.

Referred to **Judiciary I Committee**.

By Senators Rand; Ballance and Cunningham:

S.B. 647, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE'S DISCRETION IN CAPITAL SENTENCING.

Referred to **Judiciary I Committee**.

By Senators Rand; Ballance, Ballantine, Cunningham, Dalton, Harris, Lee, Metcalf, Robinson, Swindell and Thomas:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A FULL SCHOLARSHIP STUDENT WHO ATTENDS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA SHALL BE CONSIDERED AND TREATED FOR ALL PURPOSES OF THE UNIVERSITY OF NORTH CAROLINA AS

A RESIDENT OF NORTH CAROLINA.
Referred to **Appropriations/Base Budget Committee**.

By Senators Hoyle, Plyler, Dalton and Carter:
S.B. 649, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION.
Referred to **Commerce Committee**.

By Senators Foxx and Berger:
S.B. 650, A BILL TO BE ENTITLED AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY.
Referred to **Education/Higher Education Committee**.

By Senators Foxx; and Berger:
S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS.
Referred to **Finance Committee**.

By Senators Moore and Garwood:
S.B. 652, A BILL TO BE ENTITLED AN ACT RELATING TO OCCUPANCY TAXES IN AVERY COUNTY.
Referred to **Finance Committee**.

By Senators Moore; and Garwood:
S.B. 653, A BILL TO BE ENTITLED AN ACT TO CREATE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY SPECIAL TAX DISTRICT AND TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES.
Referred to **Finance Committee**.

By Senators Reeves; and Miller:
S.B. 654, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.
Referred to **State and Local Government Committee**.

By Senator Harris:
S.B. 655, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COATS AND TO VALIDATE ACTIONS OF THE TOWN TAKEN WITH RESPECT TO THAT PROPERTY.
Referred to **Finance Committee**.

By Senator Harris:
S.B. 656, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF KIPLING.
Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 657, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE COUNTY TO LEVY AN IMPACT TAX.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN IMPACT TAX.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 660, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A TAX OF NOT MORE THAN FIVE DOLLARS PER YEAR ON ANY VEHICLE RESIDENT IN THE COUNTY AND TO REQUIRE THE FUNDS GENERATED TO BE USED FOR ECONOMIC DEVELOPMENT.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 661, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY A LOCAL LAND TRANSFER TAX.

Referred to **Finance Committee**.

By Senators Kinnaird and Lee:

S.B. 662, A BILL TO BE ENTITLED AN ACT AMENDING AN ACT AUTHORIZING ORANGE COUNTY TO REGULATE OPEN BURNING.

Referred to **State and Local Government Committee**.

By Senators Purcell and Plyler:

S.B. 663, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LAURINBURG TO OWN AND OPERATE A FIBER OPTIC CABLE NETWORK TO SERVE THE CITIZENS AND BUSINESSES OF THE COMMUNITY AND TO ENHANCE ECONOMIC DEVELOPMENT.

Referred to **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 664, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX.

Referred to **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 665, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

By Senators Plyler and Purcell:

S.B. 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF

MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.

Referred to **State and Local Government Committee**.

By Senator Thomas:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY.

Referred to **Judiciary II Committee**.

By Senator Albertson:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS.

Referred to **Finance Committee**.

By Senators Gulley; and Lucas:

S.B. 669, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CARY TO ADOPT ZONING REGULATIONS FOR INCLUSIONARY HOUSING.

Referred to **State and Local Government Committee**.

By Senators Gulley and Lucas:

S.B. 670, A BILL TO BE ENTITLED AN ACT AUTHORIZING DURHAM COUNTY TO ESTABLISH AN INCLUSIONARY HOUSING PROGRAM.

Referred to **State and Local Government Committee**.

By Senators Gulley; and Lucas:

S.B. 671, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY TO CONSTRUCT AND OPERATE TOLL ROADS.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Metcalf:

S.B. 672, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Metcalf:

S.B. 673, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Metcalf:

S.B. 674, A BILL TO BE ENTITLED AN ACT RELATING TO THE 28TH SENATORIAL DISTRICT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Garrou; and Horton:

S.B. 675, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE

TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS.

Referred to **Finance Committee**.

By Senators Horton; and Bingham:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF PFAFFTOWN, SUBJECT TO A REFERENDUM, AND TO EXTEND THE CORPORATE BOUNDARIES OF THE TOWN OF LEWISVILLE.

Referred to **Finance Committee**.

By Senator Ballance:

S.B. 677, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WELDON.

Referred to **Finance Committee**.

By Senator Ballance:

S.B. 678, A BILL TO BE ENTITLED AN ACT TO ESTABLISH RESIDENCE DISTRICTS FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY BOARD OF COMMISSIONERS.

Referred to **State and Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:53 A.M.

THIRTY-FIFTH DAY

Senate Chamber
Monday, March 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Do unto others as you would have others do unto you. O God, if we were able to live out that statement successfully, Chief Justice Lake would have little to say to the General Assembly tonight. But just as soon as we think we understand who deserves what, we look into the mirror and realize that we have been unmerciful or unjust in our own dealings with others. Forgive us.

"Your love, O God, has endured much suffering for our sake and that, in fact, is our acquittal. The justice and mercy of the Lord is ultimately one. Thank you for the hope in that reality. Amen."

The Chair grants leaves of absence for tonight to Senator Hagan, Senator Harris, Senator Hartsell and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 22, 2001, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jeffrey Scott Shilt from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Jennifer Slepin from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 168, AN ACT TO UPDATE THE PENALTIES AND ENFORCEMENT PROVISIONS IN THE HMO LAWS. (Became law upon approval of the Governor, March 22, 2001–S.L. 2001-5.)

H.B. 175, AN ACT EXTENDING THE CITY OF ROCKINGHAM'S EXTRATERRITORIAL JURISDICTION. (Became law upon ratification, March 22, 2001–S.L. 2001-6.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE SECRETARY OF ADMINISTRATION AND STATE AGENCIES TO ADD A PERCENT INCREASE TO BIDS OF NONRESIDENT BIDDERS WHERE THE NONRESIDENT BIDDERS' HOME STATES GRANT PREFERENCES TO IN-STATE BIDDERS.

Referred to **Commerce Committee**.

H.B. 77 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD.

Referred to **Finance Committee**.

H.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO INCREASE THE FEE CHARGED NONRESIDENTS FOR SEARCHES OF ARCHIVED PUBLIC RECORDS.

Referred to **Finance Committee**.

H.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS.

Referred to **Education/Higher Education Committee**.

H.B. 569, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA.

Referred to **Finance Committee**.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Dalton; Allran, Ballantine, Bingham, Carpenter, Carrington, Carter, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Lee, Lucas, Moore, Odom, Plyler, Purcell, Reeves, Rucho, Soles, Swindell, Thomas, Warren and Weinstein:

S.B. 679, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN ASSESSMENT ON TURFGRASS FERTILIZER AND TO PROVIDE FOR THE COLLECTION, USE, AND REFUND OF THIS ASSESSMENT.

Referred to **Finance Committee**.

By Senators Odom; Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Forrester, Foxx, Garrou, Garwood, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Metcalf, Moore, Plyler, Robinson, Rucho, Shaw of Guilford, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 680, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS.

Referred to **Judiciary II Committee**.

By Senator Hartsell:

S.B. 681, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Harris:

S.B. 682, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 683, A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT ELEVEN INTO A SET OF DISTRICTS FOR ELECTORAL PURPOSES ONLY.

Referred to **Judiciary II Committee**.

By Senator Harris:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO BUILD AND UP-FIT A NEW BUILDING FOR THE GET SMART PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Hagan; and Shaw of Guilford:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE

PARKING ON CERTAIN STREETS.

Referred to **Judiciary II Committee**.

By Senator Miller:

S.B. 686, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS.

Referred to **Judiciary II Committee**.

By Senators Kerr, Martin of Guilford; Ballance, Clodfelter, Dalton, Foxx, Hartsell, Hoyle, Kinnaird, Purcell and Rand:

S.B. 687, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR THE HEALTH INSURANCE PROGRAM FOR CHILDREN.

Referred to **Finance Committee**.

By Senators Shaw of Guilford; Berger, Kinnaird, Rucho, Weinstein and Wellons:

S.B. 688, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CARRY OUT THE PURPOSES OF THE ARTHRITIS PREVENTION PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Plyler, Purcell and Weinstein:

S.J.R. 689, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF RAEFORD ON THE CITY'S ONE HUNDREDTH ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Weinstein; Purcell and Wellons:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Education/Higher Education Committee**.

By Senator Jordan:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO REDUCE THE COUNTY SHARE OF NONFEDERAL PAYMENTS FOR THE MEDICAID PROGRAM FOR CERTAIN COUNTIES AND TO APPROPRIATE FUNDS TO COVER THE REDUCTION IN COUNTY NONFEDERAL PAYMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Jordan, Ballantine, Lee, Carter and Metcalf:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE, DIVISION OF TOURISM, FILM AND SPORTS DEVELOPMENT, FOR THE FILM INDUSTRY DEVELOPMENT ACCOUNT.

Referred to **Appropriations/Base Budget Committee**.

By Senators Ballantine, Lee, Carter, Metcalf, Jordan; and Carpenter:

S.B. 693, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES FOR

THE DEVELOPMENT OF THE FILM INDUSTRY IN NORTH CAROLINA.

Referred to **Finance Committee**.

By Senators Horton, Garrou; and Bingham:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RENOVATION AND RESTORATION OF THE RICHARD J. REYNOLDS AUDITORIUM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Soles:

S.B. 695, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF CERRO GORDO AS MATCHING FUNDS FOR A FEDERAL GRANT TO REMODEL THE TOWN HALL.

Referred to **Appropriations/Base Budget Committee**.

By Senators Ballance; Allran, Ballantine, Clodfelter, Dannelly, Gulley, Hartsell, Kerr, Kinnaird, Miller, Odom, Soles and Wellons:

S.B. 696, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL STEP IN LONGEVITY PAY AFTER 25 YEARS OF SERVICE FOR SUPREME COURT JUSTICES, COURT OF APPEALS JUDGES, SUPERIOR COURT JUDGES, AND DISTRICT COURT JUDGES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Ballance; and Miller:

S.B. 697, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE AFRICAN AMERICAN CULTURAL COMPLEX.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas; and Gulley:

S.B. 698, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR UNCOMPENSATED PRENATAL CARE FOR NON-MEDICAID, LOW-INCOME PATIENTS SERVED BY LOCAL HEALTH DEPARTMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Forrester, Purcell; Dannelly and Kerr:

S.B. 699, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MAKE PNEUMOCOCCAL VACCINE AVAILABLE THROUGH THE UNIVERSAL VACCINE PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Dannelly; Ballance, Clodfelter, Cunningham, Hoyle, Lee, Rand and Warren:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO OBTAIN PROOF OF ADDRESS ON A DRIVERS LICENSE APPLICATION.

Referred to **Transportation Committee**.

By Senators Gulley; Carpenter, Hoyle, Kerr, Lucas, Rand and Rucho:

S.B. 701, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PUBLIC TOLL ROADS AND BRIDGES IN NORTH CAROLINA AND THE CREATION OF A TURNPIKE AUTHORITY.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

The hour having arrived pursuant to **H.J.R. 376** (Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives to receive the message of the Chief Justice of the Supreme Court of North Carolina.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
March 26, 2001

Madame President:

It is ordered that a message be sent to your Honorable Body with the message that pursuant to **H.J.R. 376** (Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE I. BEVERLY LAKE, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort the Chief Justice of the Supreme Court, I. Beverly Lake, Jr., to the Joint Session: Representatives Baddour, Hackney, Daughtry, Sherrill, Justus, Morgan, Cunningham, and Earle.

Be further advised that the House stands ready to receive the Senate in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Basnight, President *Pro Tempore*, who announces that Senator Soles, Chairman; Senator Ballance; Senator Rand; Senator Ballantine; Senator Garrou; Senator Clodfelter; and Senator Horton are appointed as the Committee on the part of the Senate to serve with a like Committee from the House of Representatives to greet and escort the Chief Justice of the Supreme Court of North Carolina to the Joint Session in the Hall of the House of Representatives.

The Chair orders a special message sent to the House of Representatives informing that Honorable Body of such action.

Senator Basnight offers a motion in accordance with H.J.R. 376, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State of the Judiciary Address from The Honorable I. Beverly Lake, Jr., and further moves that, upon dissolution of the Joint Session, the Senate stand adjourned subject to introduction of bills and reading of house messages, to reconvene Tuesday, March 27, at 2:00 P.M., which motions prevail.

Pursuant to the motions by Senator Basnight having prevailed, the President declares

the Senate in recess and the Senate, preceded by its Officers, repairs to the Hall of the House of Representatives, there to sit in Joint Session with that Honorable Body to receive the address from the Chief Justice of the Supreme Court of North Carolina.

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives.

The Honorable James B. Black, Speaker of the House of Representatives, recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the members of the Judiciary, who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the members of the Judiciary to the Well of the House to be seated. The Senate and the House of Representatives stand and receive the members of the Judiciary.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable I. Beverly Lake, Jr., Chief Justice of the Supreme Court of North Carolina. The President directs the Sergeants-at-Arms of the House of Representatives and the Senate to escort the Committees and the Chief Justice to the Well of the House. Senator Martin of Guilford presents The Honorable I. Beverly Lake, Jr. to the General Assembly whereupon he delivers his address.

STATE OF THE JUDICIARY ADDRESS

"Thank you all for that wonderful welcome. It's almost like an old timey homecoming. I appreciate it.

"Lieutenant Governor Perdue, Speaker Black, President *Pro Tem* Basnight, Members of this General Assembly, distinguished guests, ladies and gentlemen, thank you for the invitation tonight to share with you the progress and overall status of North Carolina's Third Branch of Government, our Judicial Branch. It is indeed an honor for me to be given the privilege of entering this chamber to address a joint session of this General Assembly.

"If I may, I would like to begin on a point of personal privilege. Twenty-four years ago, I was given another honor which I greatly cherish. The people of Wake, Harnett, and Lee Counties made me a Member of this General Assembly. Because of my years here, I know how hard you work, the burdens of your constituent service and what a great overall joy it is to represent and serve as you do all the people of North Carolina. There are six members of this Assembly who were here and served with me when I was a member. I served with some great people during my years here, and these six are still here and serving. They are Senator Plyler, Senator Soles, Representative Brubaker, Representative Easterling, Representative Holmes, and Representative Nye. I would like to pay a special tribute tonight to these six members who have rendered such long and laudable service to the State of North Carolina. Thank you.

"One of the primary goals which we have worked toward over the past several years, under the good leadership of our last two Chief Justices, has been the enhancement of the partnership which we share, wherein you make our laws and we apply them – consistent, hopefully with your intent, our Constitution and the Common Law. In working toward this real partnership goal, it is critical that we continue to improve the sense of partnership between the Legislative and the Judicial Branches. To this end, it is essential that we in the Judicial Branch be forthright and accurate in anticipating our needs and in communicating them to you. This I am committed to do. It is, I believe, reflective of this commitment that, in filling the very critical position of Director of our Administrative Office of the Courts, I chose Judge Robert Hobgood, a former member of this General Assembly. He

has worked with you through the years and he is, as you know, a man in whom we all can have complete confidence and who will greatly enhance our partnership.

"Now, with that preliminary, I am pleased to report to you that tonight the State of the Judiciary is generally good and justice in North Carolina has improved, thanks in large part to the recent actions of this Body in moving our courts further into the technological age. This is the message reflected in our year 2000 Annual Report, which outlines a number of accomplishments and some of our concerns for the future. A copy of this report is hopefully before each one of you here tonight.

"As you well know, it is simply a fact of life that today we live or die by the computer. From the county magistrate's office to the Supreme Court, new technology saves valuable time, a great deal of money, and lives. Our law enforcement officers are back out on our streets more quickly, and our citizens don't have as long to wait for critical services at our 100 offices of clerks of courts. The Clerk's Office of the Supreme Court is the first in the country to offer e-filing. Since its inception a year and a half ago, 88 briefs have been filed with very substantial cost savings. We thank you for understanding our most critical court needs in the area of technology.

"In terms of case management and backlog, our courts are doing reasonably well in light of the continued, substantial increase in cases and petitions filed at all levels each day. I am pleased to report that at the end of the year 2000, the Supreme Court was current and today is able to set cases for oral argument without delay. Our Court of Appeals judges continue to work exceptionally hard, and they produce an incredible number of well-written opinions. Last year 1,592 appeals were filed with that court, and notwithstanding the election, the court disposed of 98% of them by written opinion. The Court of Appeals judges welcome the three new judgeships which you created last year. Our 105 Superior Court Judges across the State disposed of 285,408 cases last year, approximately 96% of the cases filed, and our 235 District Court Judges, incredibly, disposed of nearly 2.5 million cases, or 98% of the total cases filed.

"As you can see from these numbers, our trial judges, these 340 public servants, who like you, are elected by our people, are doing a tremendous amount of work, and they are doing it exceptionally well. However, they are no longer able to keep pace with the incoming surge of people seeking help from our courts. In this regard, I would like to recall the words of former Chief Justice Burley Mitchell in his 1999 address to you, and I quote. 'Our trial courts are struggling but holding their own. They will not be able to do so much longer without help.'

"These words were prophetic, as was the report of the internationally respected Gartner Group, which warned of severe, pending problems due to lack of technology in our courthouses across the State. Your initial funding has already been used to begin a number of urgently needed and cost-effective programs. Now I emphasize 'to begin' because without additional or at least continuation funding, these programs will falter and fail, and the investment made to date in these programs will be lost.

"These programs include Courtflow and Casewise computer systems enabling much more efficient management of cases; an Automated Judgment Abstracting System; and a Set-Off Debt Collection Program, which last year collected more than $2 million for future indigent defendant representation by tracking the tax returns of former defendants still owing the State money.

"This is good news and a good beginning, but let me again recall the words of former Chief Justice Mitchell in his message two years ago. He stated 'Many elements of the existing equipment, software and communication vehicles are so old and outdated that we cannot begin to meet the needs of the various users across the State.' We need funding to purchase updated replacement technology, to maintain the new programs in which our partnership has invested, and to provide the training resources which we must have throughout the State.

"We are now, by evolution, committed to the course of technology. If you will pardon the analogy, we have launched our boat on a rapid river, which we now must follow. There is no turning back and if we do not stay the course, we will flounder. If we do that, it will cost the taxpayers of North Carolina many millions of dollars to relaunch and get back to where we are now and millions more to recover lost ground.

"Now, I fully understand the magnitude of our budget crisis, and we are doing our part to help. I implemented a hiring freeze, a hiring slowdown on March 1 and that is now a freeze. Additionally, we have taken steps to meet the request of the Office of State Budget to reduce our next year's budget by more than $3.6 million. However, I would be remiss if I did not advise that this restriction on our budget – this cut – will deeply and severely impact our ability to serve the people of North Carolina.

"There are several items I must bring to your attention that are very pertinent as you consider the budget. Last year, we had more than forty positions with start dates other than July 1, and the continuation budget funding for these positions is for only part of a year. Thus, we are scrambling to find funds to pay these positions for a full year. For example, the three new Court of Appeals positions were budgeted on a continuation budget for only six months. We have new and essential courtroom space under construction that must receive basic equipment, such as telephone systems. Further, we were provided nonrecurring funds last year for items that are in fact recurring expenses, such as rent for the Business Court in Greensboro. This is a normal operating expense, necessary to sustain the work of the Business Court, which you authorized last session and which is making our overall court system much more efficient. We are in critical need of funding in these areas just to remain open.

"Before this General Assembly convened, we had the State Judicial Council approve an expansion budget which was carefully prioritized in accordance with absolute need. The highest category, setting forth our critical needs, calls for $2,498,000 for fifteen new positions and basic support equipment. The next highest category calls for $16,074,000 for 220 positions and basic support equipment. Now these are real priority needs of the Judicial Branch.

"Speaking of priority needs, let me cite you one example where we have been much less than cost efficient. It is not an infrequent occurrence for a Superior Court Judge to open court on a Monday morning for the call of the calendar and the trial of an important case. The attorneys are in place, the litigants are there, the witnesses are there, the clerk of court is there, and the courtroom is filled to overflowing with prospective jurors from all across the county. The case is ready to proceed, with one notable exception. There is <u>no</u> court reporter. The entire process disintegrates, not just for that one case, that one important case, but generally for the entire session of court.

"The damage for this kind of breakdown is measured not just in the cost of wasted time and resources, but also in the enormous amount of bad will and hostility generated and directed toward the court system by all of those citizens who have been made to waste a considerable amount of valuable time out of their lives. The cost of a court reporter is minimal compared to this. Also, the lack of sufficient court reporter time is probably the single factor most responsible for extreme delay in appellate review of cases. I urge you to give us at least four court reporters as a <u>priority</u> matter.

"Now, I would like to get away from the numbers and try to put a human face on our judicial system. Thanks to you, we now have in place, and operating well, a number of new programs designed to help individuals, families, and most important, our children. Most of these programs might be described broadly under the term 'therapeutic justice.' This simply means that litigants and those close to them normally spend more time receiving counseling and related services and less time in the courtroom. These innovations include such programs as drug treatment courts, family courts, sentencing services, custody mediation, arbitration, foreign language services and our Guardian Ad

Litem Program.

"In just a few years, we have achieved some very positive results through our Drug Treatment Courts. As you know, the majority of criminal cases arising in our trial courts have a direct connection to substance abuse. Since its inception, this court program has been giving many substance abusers the incentive to kick their destructive and often fatal habits. The Drug Treatment Courts require much more time and energy on the part of our judges and other court personnel than do ordinary courts. They are by all standards 'labor intensive.'

"The Family Courts are also very labor intensive but, in my opinion, they are well worth the extra investment. We began with three and now have eight Family Courts in operation. These kinder, family-friendly and more efficient courts are helping families resolve their conflicts through mediation and treatment programs, often without ever having to see a judge. This saves valuable court time and space for other cases. When these cases do come to trial or court, since one judge hears all of the family's multiple issues, he or she has a much better grasp of the family's history and can make a much more appropriate resolution. Judge Paul McCoy reports that the program in Halifax County has been well received, with litigants much better satisfied with the outcome of their cases.

"With Sentencing Services, our judges are getting the information they need to improve and impose appropriate sentences that make the best use of available resources, again thanks to legislation passed by this Assembly last year.

"Our Custody Mediation Program is seeing significant success. When divorcing parents are in conflict, which is almost always the case, the children of the marriage, naturally, are the ones who suffer the most. The State's Custody Mediation Program provides the opportunity for parents to turn difficult situations into problem-solving opportunities. Last year, more than 2,000 couples ended their disputes and worked out parenting agreements through custody mediation offices. Judge Clarence Horton, Chairman of the Custody Mediation Advisory Committee, reports that divorced and separating parents across North Carolina have embraced the opportunity to resolve their own parenting issues through this program.

"Likewise, we are seeing marked success in the area of arbitration. At least 70% of the people who go through arbitration find a quick resolution and are satisfied by the outcome of their case. About three fourths of the counties now have an arbitration program, and we would like to see it expanded statewide.

"Thanks to grants from the State Bar's IOLTA program, the Reynolds Foundation and the Governor's Crime Commission, our new Foreign Languages Service Project is off to a strong start, with our training programs producing an increasing number of certified court interpreters. Last year, this General Assembly authorized funds for interpreters for civil domestic violence cases, and in all types of cases, these interpreters are proving to be critical to the needs of our exploding Hispanic population. The time has come to make the Foreign Languages Services Project a permanent part of our court administration.

"Last year, you established a new, independent commission to develop guidelines and oversee the Indigent Defense Program. This kind of accountability was needed for many years. The Commission is charged with overseeing the 60 plus million dollar indigent defense budget and developing control regulations. The right to an attorney, especially for the poor and less advantaged, is one of the pillars of our judicial heritage. The goal of the Office of Indigent Defense Services is twofold, to improve the quality of services for indigent defendants and to control the cost of these services. I urge your continued support of this important program.

"One of the finest examples of your proactive, people-oriented court system is seen in our Guardian Ad Litem Program. This program makes a tremendous difference in the lives of literally thousands of our children each year. During the last fiscal year, this program

provided essential representation to 15,364 children through more than 3,500 volunteers and 99 attorneys.

"These many services, which are provided by thousands of dedicated people each and every day, including Saturdays and Sundays, are making a real difference in the quality of life for all of the people of North Carolina. These services address the fundamental, personal problems so important to the daily lives of our people, and they are the responsibility of our judicial system, over and above our core constitutional mandate to give just and speedy resolution to all cases for trial in our courts.

"I want to emphasize one important factor in connection with the overall work of our courts and especially these service-oriented programs. Your judicial system, with almost three million cases filed each year, deals with and affects, on a daily basis, the lives of thousands of our most precious assets - our children. Our future, through the lives of these children, is directly impacted through our juvenile and domestic courts and the other programs I have mentioned. In this regard, I want to stress to you that each and every one of these children is just as important to the State of North Carolina as any child in our public schools or in Smart Start, and I submit to you they are much more at risk. We must not let them down by failing to fund their future.

"For many years now, our entire third branch of government, our Judicial Branch, has been required to operate with less, less than 3% of all funds available to the State of North Carolina. With that level of funding, we have not been able to meet adequately our constitutional responsibilities and expand our services as demanded by our growing population. Now, we find that with the current budget crisis, which we fully understand, we are being asked to curtail all critically needed expansion and even cut substantially into our continuation budget. We recognize that we are being asked to do this while other programs in other areas are recommended for further substantial expansion. In this regard, I submit to you that there are at least three institutional areas within our government which should be close to sacrosanct, even in times of severe crisis. Our public schools should remain open and effective for all; our health-care facilities should remain open and available to all; and our halls of justice should be open, effective and accessible to all.

"In closing, let me mention one additional, substantial concern. As the Futures Commission of the Courts reported to us several years ago and as we see even more clearly today, there is a growing lack of confidence and trust in our legal system, including our courts. Many in our society today have little or no confidence in the integrity of our legal system. In my opinion, this stems more from a lack of understanding, a lack of knowledge rather than personal experience. In any event, this is having a direct, negative impact on our ability as a society to continue to live together under the rule of law. If our laws and our courts are not respected because they are perceived to be discriminatory or dishonest, then we are moving inexorably toward a level of disorder and societal breakdown that law enforcement and our courts cannot address. In order to halt and reverse this sharp trend, we need to begin to better educate our people, particularly our young people, about the uniqueness and incredible value of the legal system which we enjoy and which has made this country the greatest nation in the history of mankind.

"In my opinion, the State of North Carolina should teach substantially more history and civics in our public schools, not less. Our young people simply cannot appreciate the value of that which they have no knowledge. I believe that 'The Greatest Generation,' about which Tom Brokaw so eloquently wrote, was that greatest generation, in our time of greatest need, because they were taught, and thus knew, our history, our governmental institutions and our traditional values. Without such knowledge, our next generation will not come through as that one did.

"I have discussed these concerns with my friend Mike Ward, our Superintendent of Public Instruction, and I believe he shares this view. I told him that I was willing to commit our Judicial Branch in a concerted effort to assist our schools, in ways that will

cost no money, in teaching our young people to know and respect our system and our laws, the people that make them and the people that apply them. To this end, I ask your help so that in working together we can remain One Nation Under God With Liberty and Justice For All.

"Thank you again for the opportunity to speak to you. I wish for each one of you a very successful legislative session and a very good evening. Thank you all."

The Members of the General Assembly respond to the address of the Chief Justice with a standing ovation.

The President recognizes the Sergeants-at-Arms and the Committees to escort the Chief Justice from the Hall of the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Plyler, the Joint Session is dissolved.

Pursuant to the motion by Senator Basnight prevailing earlier in the Senate, the Senate adjourns to reconvene tomorrow, Tuesday, March 27, at 2:00 P.M.

THIRTY-SIXTH DAY

Senate Chamber
Tuesday, March 27, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, we are reminded of one of the wisdom sayings of the Dakota Native American tribe which goes something like this, ‘When you discover you're riding a dead horse, dismount.’

"Forgive us, O God, for riding dead horses, lingering on past failures, times we've said the wrong thing, caused hurt to others, didn't take a stand.

"Holy Scripture promises that if anyone is in relationship with you, old things are passed away. Behold all things become new!

"Thank you for renewing our spirits, our minds, our bodies, for making all things new. Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt and Senator Odom.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, March 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Gerald B. Harper from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda Smith from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.

RECOGNITION OF 2001 MCDONALD'S ALL-AMERICAN HIGH SCHOOL BASKETBALL TEAM

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to the 2001 McDonald's All-American High School Basketball Team and Patrick Thyssen, Staff Director for State and Government Relations for the McDonald's Corporation. Senator Rand, Senator Ballantine, Senator Carrington, Senator Jordan, Senator Miller, Senator Reeves and Senator Robinson are appointed to escort the team to the Well of the Senate. Senator Rand presents the team members with Cape Hatteras Lighthouse pins. Team member Anthony Richardson from Raleigh presents Senator Basnight with a basketball.

The members of Team East are as follows: Carlos Hurt, Chris Thomas, Maurice Williams, Rashaad Carruth, Dajuan Wagner, Julius Hodge, Anthony Richardson, James White, Kwame Brown, Ousmane Cisse, David Harrison and DeSagana Diop.

The members of Team West are as follows: Terrance Ford, Aaron Miles, Cedric Bozeman, Daniel Ewing, Kelvin Torbert, Josh Childress, Jawad Williams, David Lee, Rick Rickert, Wayne Simien, Tyson Chandler and Eddy Curry.

The President recognizes the Committee to escort the guests from the Chamber, who depart to a standing ovation.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 183 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW EMERGENCY SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES, with a favorable report.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO REPEAL MISCELLANEOUS FEES PAID BY INSURANCE COMPANIES TO THE DEPARTMENT OF INSURANCE; AND TO INCREASE THE INSURANCE COMPANY LICENSE APPLICATION AND RENEWAL FEES TO MAKE THE REPEALS REVENUE NEUTRAL, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 370, A BILL TO BE ENTITLED AN ACT AMENDING THE JOINT SECURITY FORCE PROVISIONS FOR STATE FACILITIES FOR MENTALLY ILL PERSONS, with a favorable report.

S.B. 397, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3712, which changes the title to read **S.B. 397** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT

FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives as follows:

House of Representatives
March 22, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 115D-2.1(b)(4)f., the House of Representatives has elected and confirmed Thomas Norman to serve on the State Board of Community Colleges for a term of six years beginning July 1, 2001, and ending June 30, 2007.

Respectfully,
S/Denise Weeks
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 575, A BILL TO BE ENTITLED AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF.
Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO SET OUT THE BOUNDARIES OF THE TOWN OF BOSTIC AND TO VALIDATE ACTIONS OF THE TOWN, upon third reading.
The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:
Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.
Voting in the negative: None.
The bill is ordered sent to the House of Representatives.

S.B. 139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.
With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow,

Wednesday, March 28.

S.B. 399, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 18 (Senate Committee Substitute), A BILL TO ENTITLED AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 212, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN MUNICIPALITIES IN NEW HANOVER COUNTY TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED.

The bill passes its second and third readings and is ordered enrolled.

S.B. 123 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR JAILS AND FOR WATER AND SEWER PROJECTS, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 18 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 113 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 166 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE DESIGNATION OF A LEAD AGENCY FOR LONG-TERM CARE PLANNING.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 471, A BILL TO BE ENTITLED AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 85 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO COLLABORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled and sent to Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Richard Bell, Mt. Holly; Lloyd Gilbert Carroll III, Charlotte; Christian Clemmer, Dallas; Kimberly V. Dunn, Raleigh; Angela Frye, Greenville; Briana Gregory, Morganton; Matthew Christopher Heath, Wendell; James H. Johnson III, Franklinton; Jacob David Kornegay, Hillsborough; Adam Thomas Leggette, Raleigh; Stephen Ryan Shavers, Greenville; Sara Sheppard, Canton; Mariah J. Smith, Apex; Harold Glenn Smith, Jr., Apex; Jeremy Lawrence Summers, Clemmons; Jason Robert Summers, Clemmons; Margaret Winkler Thompson, Raleigh; ShaTerra Tirea Wells, Zebulon; Amy Williamson, Clyde; and Ashley Kendra Willoughby, Lumberton.

CHANGE TO 2001 SENATE COMMITTEES

Senator Basnight, President *Pro Tempore*, announces the following change to the Senate Committees:

Senator Carter is appointed to the **Finance Committee**.

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report which is ordered placed on file in the Legislative Library, as follows *(See Appendix.)*:

The Administrative Office of the Courts submits the Report on the Status of North Carolina's Drug Treatment Court Program.

Upon motion of Senator Basnight, seconded by Senator Robinson, the Senate adjourns subject to introduction of bills to meet tomorrow, Wednesday, March 28, at 3:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Purcell:
S.B. 702, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Purcell:
S.B. 703, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Weinstein; Horton, Metcalf and Swindell:
S.B. 704, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA BIOTECHNOLOGY CENTER.
Referred to **Appropriations/Base Budget Committee.**

By Senators Foxx; Albertson, Allran, Bingham, Carpenter, Carrington, Dannelly, Forrester, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Metcalf, Odom, Rucho, Shaw of Guilford, Warren, Weinstein and Wellons:
S.B. 705, A BILL TO BE ENTITLED AN ACT TO SUSPEND FOR TWO YEARS THE PURCHASE OF MANILA FOLDERS AND MANILA ENVELOPES BY STATE AGENCIES IN ORDER TO PROMOTE SOLID WASTE REDUCTION.
Referred to **Commerce Committee**.

By Senators Kinnaird; and Lucas:
S.B. 706, A BILL TO BE ENTITLED AN ACT TO LEVY A TWO-CENTS PER BOTTLE TAX ON SOFT DRINKS.
Referred to **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:59 P.M.

THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, March 28, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, You have abundantly blessed and gifted those in this Senate Chamber. Out of appreciation for Your goodness, help us never to think that we have enough knowledge that we need no further teaching, enough wisdom that we need no correction, enough humility that we need no repentance or enough strength that we do not need your presence. Otherwise standing still, we end up going backwards. In Your holy name we pray, Amen."
*Paraphrased from a prayer by Eric Milner-White

The Chair grants leaves of absence for today to Senator Martin of Pitt, Senator Odom, Senator Rucho and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, March 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. James David Pearson from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Jeannie Evans from Whiteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 85 AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO COLLABORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 138, AN ACT TO MODIFY THE MEMBERSHIP OF THE MOUNT AIRY TOURISM DEVELOPMENT AUTHORITY.

S.B. 237, AN ACT TO PROVIDE FOR THE STATEWIDE APPLICATION OF G.S. 24-9 WHICH PROHIBITS CERTAIN BUSINESS ENTITIES FROM ASSERTING THE DEFENSE OF USURY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 212, AN ACT TO ALLOW CERTAIN MUNICIPALITIES IN NEW HANOVER COUNTY TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, AND TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTIONS FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7581, which changes the title to read **S.B. 68** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, AND TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTIONS FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, is adopted and engrossed.

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 391, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE RECOMMENDATIONS ON WAYS TO ELIMINATE DISPARITIES IN HEALTH CARE, with a favorable report.

S.B. 542, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES, with a favorable report.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3720 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 486, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE, with a favorable report.

S.B. 533, A BILL TO BE ENTITLED AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES, with a favorable report.

S.B. 534, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS, with a favorable report.

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE CONSTRUCTION OF A PUBLIC WORKS FACILITY, AN ENVIRONMENTAL EDUCATION CENTER, AND A CIVIC CENTER AND THE RENOVATION OF THE FIRST CITIZENS BANK AND CITY HALL, with a favorable report.

S.B. 588, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, with a favorable report.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM, with a favorable report.

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL".

Referred to **Education/Higher Education Committee**.

H.B. 19 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY AND THE TOWNS OF INDIAN BEACH, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

Senator Rand offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 370, A BILL TO BE ENTITLED AN ACT AMENDING THE JOINT SECURITY FORCE PROVISIONS FOR STATE FACILITIES FOR MENTALLY ILL PERSONS.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 397 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 183 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW EMERGENCY SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

The Committee Substitute bill No. 2 passes its second (39-7) and third readings and is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills and resolutions are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.J.R. 481, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, with a favorable report.

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, with a favorable report.

By Senator Kerr for the **Finance Committee**:

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS, with a favorable report.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS, with a favorable report.

S.B. 431, A BILL TO BE ENTITLED AN ACT TO ADJUST THE VALUE THRESHOLDS OF LIMITED AND INTERMEDIATE LICENSES FOR INFLATION UNDER THE LAWS REGULATING GENERAL CONTRACTORS, with a favorable report.

S.B. 434, A BILL TO BE ENTITLED AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS, with a favorable report.

S.B. 557, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3722 is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 229, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT, referred to **Rules and Operations of the Senate Committee** on February 22.

Upon motion of Senator Rand, the bill is withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Foxx, the Senate adjourns subject to introduction of bills, receipt of House messages, and resolutions from other states, to meet tomorrow, Thursday, March 29, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Plyler, Purcell; Albertson, Ballance, Clodfelter, Garrou, Horton, Lee, Rand, Soles, Weinstein and Wellons:

S.J.R. 707, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RICHARD CLARK, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Horton; Albertson, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Harris, Hoyle, Lee, Lucas, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Swindell and Thomas:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

Referred to **Education/Higher Education Committee**.

By Senator Rand:

S.B. 709, A BILL TO BE ENTITLED AN ACT TO AMEND THE INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING ACT AND THE NORTH CAROLINA INDUSTRIAL AND POLLUTION CONTROL FACILITIES POOL PROGRAM FINANCING ACT.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 710, A BILL TO BE ENTITLED AN ACT ALLOWING THE DEPARTMENT OF CULTURAL RESOURCES TO CHARGE AN ADMISSION FEE TO ANY MUSEUM, HISTORIC PROPERTY, OR OTHER LOCATION OR EVENT ADMINISTERED BY THE DEPARTMENT.

Referred to **Finance Committee**.

By Senators Rand; Ballance, Carter, Clodfelter, Cunningham, Dalton, Foxx, Garrou, Gulley, Hagan, Martin of Guilford, Metcalf, Miller, Reeves, Thomas and Wellons:

S.B. 711, A BILL TO BE ENTITLED AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS, RAPE CRISIS CENTERS, AND DOMESTIC VIOLENCE PROGRAMS.

Referred to **Judiciary I Committee**.

By Senators Rand; Ballance, Clodfelter, Cunningham, Dalton, Gulley, Kinnaird, Metcalf, Miller, Reeves, Soles and Wellons:

S.B. 712, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

Referred to **Judiciary I Committee**.

By Senators Rand, Ballance, Ballantine; Albertson, Berger, Carter, Clodfelter, Cunningham, Dannelly, Foxx, Garwood, Gulley, Hagan, Hartsell, Horton, Hoyle, Kinnaird, Martin of Guilford, Metcalf, Miller, Reeves, Robinson, Soles, Swindell, Thomas and Warren:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY MEDIATION CENTERS ACROSS THE STATE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Forrester and Purcell:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "AMBULATORY SURGICAL FACILITY" BY REDUCING THE NUMBER OF REQUIRED OPERATING ROOMS FROM TWO TO ONE AND TO AMEND THE DEFINITION OF "NEW INSTITUTIONAL HEALTH SERVICE" BY INCLUDING CONSTRUCTION, DEVELOPMENT, ESTABLISHMENT, INCREASE IN NUMBER, OR RELOCATION OF AN OPERATING ROOM OR OPERATING ROOMS AND TO EXTEND THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN TO ALL OPERATING ROOMS.

Referred to **Health Care Committee**.

By Senators Martin of Guilford; Ballance and Weinstein:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO REQUIRE COLLABORATION BETWEEN THE DIVISION OF SOCIAL SERVICES AND THE COMMISSION OF INDIAN AFFAIRS AND THE NORTH CAROLINA DIRECTORS OF SOCIAL SERVICES ASSOCIATION ON INDIAN CHILD WELFARE ISSUES.

Referred to **Children & Human Resources Committee**.

By Senators Kinnaird; Ballance, Carter, Gulley, Martin of Guilford and Warren:
S.B. 716, A BILL TO BE ENTITLED AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS.
Referred to **Judiciary II Committee**.

By Senator Lee:
S.B. 717, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A GROWTH MANAGEMENT OVERSIGHT COMMITTEE.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:
S.B. 718, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.
Referred to **Judiciary I Committee**.

By Senators Gulley; Hartsell, Horton, Lucas, Miller, Rand and Reeves:
S.B. 719, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY.
Referred to **Judiciary I Committee**.

RESOLUTION FROM ANOTHER STATE

The following resolution received from another State is presented to the Senate and ordered filed in the Office of the Principal Clerk *(See Appendix.)*:

Commonwealth of Virginia Senate Joint Resolution No. 651, Expressing the commitment of the Commonwealth to the principles represented by the Electoral College.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 196, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE RESTORATION OF THE FAIR BARN IN THE VILLAGE OF PINEHURST FROM THE PUBLIC BIDDING LAWS.
Referred to **Finance Committee**.

H.B. 423 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.
Referred to **State and Local Government Committee**.
H.B. 447, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF

NORWOOD AND STAGGERING THOSE TERMS.

Referred to **State and Local Government Committee**.

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES.

Referred to **State and Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:48 P.M.

THIRTY-EIGHTH DAY

Senate Chamber
Thursday, March 29, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, I think of the Senators, the Lieutenant Governor and the staff here as the Senate family. I believe it's a well-deserved title. But it wasn't too many years ago that we were a diverse people, separated, walled off from one another.

"Now, by the courage of many and by your great grace we have been brought together. Old boundaries, old walls have been overcome, bridged. We who were once strangers have become family.

"So help this Senate family to demonstrate to those who would observe here that You, O God, do make possible the existence of a family who is able to live by their strong convictions and diverse viewpoints, but as brothers and sisters in all that they do and say. To Your glory we pray, Amen."

*Idea from Will Williamson's The New Household Pulpit Resource.

The Chair grants leaves of absence for today to Senator Hagan, Senator Jordan, Senator Martin of Pitt, Senator Odom and Senator Shaw of Guilford.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, March 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Denzil Dean Patton from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 183, AN ACT TO ALLOW DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 138, AN ACT TO MODIFY THE MEMBERSHIP OF THE MOUNT AIRY TOURISM DEVELOPMENT AUTHORITY. (Became law upon ratification, March 28, 2001–S.L. 2001-7).

S.B. 237, AN ACT TO PROVIDE FOR THE STATEWIDE APPLICATION OF G.S. 24-9 WHICH PROHIBITS CERTAIN BUSINESS ENTITIES FROM ASSERTING THE DEFENSE OF USURY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon ratification, March 28, 2001–S.L. 2001-8).

H.B. 212, AN ACT TO ALLOW CERTAIN MUNICIPALITIES IN NEW HANOVER COUNTY TO USE PROCEEDS FROM ON-STREET PARKING METERS IN THE SAME MANNER IN WHICH PROCEEDS FROM OFF-STREET PARKING FACILITIES ARE USED. (Became law upon ratification, March 28, 2001–S.L. 2001-9).

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 275, A BILL TO BE ENTITLED AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7583 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 453, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LEXINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3733 is adopted and engrossed.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS, upon second reading.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill

is withdrawn from today's Calendar and placed on the Calendar for Monday, April 2.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF TO LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS BY EXPANDING THE EXCLUSION AMOUNT TO THE GREATER OF TWENTY THOUSAND DOLLARS OR FIFTY PERCENT OF THE PROPERTY'S TAX VALUE AND BY INCREASING THE INCOME ELIGIBILITY TO EIGHTEEN THOUSAND DOLLARS TO BE ADJUSTED BY A COLA PERCENTAGE.
Referred to **Finance Committee**.

H.B. 85, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC.
Referred to **State and Local Government Committee**.

H.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MANUFACTURED HOMES NEED NOT HAVE MULTIPLE SECTIONS TO QUALIFY AS REAL PROPERTY FOR PROPERTY TAX PURPOSES, AND TO REQUIRE AN OWNER TO SURRENDER CERTIFICATE OF TITLE WHEN THE MANUFACTURED HOME BECOMES REAL PROPERTY.
Referred to **Finance Committee**.

H.B. 382, A BILL TO BE ENTITLED AN ACT ADOPTING THE STRAWBERRY AS THE OFFICIAL FRUIT OF NORTH CAROLINA.
Referred to **Rules Committee**.

H.B. 689, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS.
Referred to **Judiciary II Committee**.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

Executive Order No. 5, Equal Employment Opportunity.

CALENDAR (*continued*)

S.B. 557 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 3 upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 178, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 43, the proposed Committee Substitute bill 6638 is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Soles for the **Commerce Committee**:

S.B. 342, A BILL TO BE ENTITLED AN ACT AUTHORIZING GASTON COUNTY TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2626, which changes the title to read **S.B. 342** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS, is adopted and engrossed.

Upon adoption of the Committee Substitute, the bill becomes a public bill.

CALENDAR (*continued*)

S.B. 486, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 533, A BILL TO BE ENTITLED AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 534, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS

WITHOUT COMPLYING WITH THE BID LAWS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE CONSTRUCTION OF A PUBLIC WORKS FACILITY, AN ENVIRONMENTAL EDUCATION CENTER, AND A CIVIC CENTER AND THE RENOVATION OF THE FIRST CITIZENS BANK AND CITY HALL.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 588, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE CHARTER OF THE CITY OF DURHAM.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.

Senator Gulley offers Amendment No. 1 which is adopted (45-0), and changes the title to read **S.B. 614**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY AND THE CITIES OF CHARLOTTE AND CONCORD TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, AND TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTIONS FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Wednesday, April 11.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES.

With unanimous consent, upon motion of Senator Forrester, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 4.

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

The President orders, without objection, the joint resolution temporarily displaced.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for third reading.

S.B. 391, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE RECOMMENDATIONS ON WAYS TO ELIMINATE DISPARITIES IN HEALTH CARE.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

CALENDAR (*continued*)

S.B. 431, A BILL TO BE ENTITLED AN ACT TO ADJUST THE VALUE THRESHOLDS OF LIMITED AND INTERMEDIATE LICENSES FOR INFLATION UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 434, A BILL TO BE ENTITLED AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 542, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES.

The bill passes its second reading (45-0).

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 2.

H.J.R. 481, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

The joint resolution passes its second (45-0) and third readings and is ordered enrolled.

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, temporarily displaced earlier.

Senator Soles offers a motion that the joint resolution be withdrawn from today's Calendar, and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from today's Calendar, and re-refers the measure to the **Commerce Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 221, A BILL TO BE ENTITLED AN ACT TO EXEMPT EMPLOYEES OF A PUBLIC HEALTH AUTHORITY FROM CHAPTER 126 OF THE GENERAL STATUTES AND TO MAKE CONFORMING CHANGES TO CHAPTER 126, with a favorable report.

S.B. 257, A BILL TO BE ENTITLED AN ACT TO REVISE ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AGAINST PUBLIC EMPLOYEES OR OFFICIALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8596, which changes the title to read **S.B. 257** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AND TO MAKE CLARIFYING CHANGES, is adopted and engrossed.

Upon motion of Senator Ballance, seconded by Senator Hoyle, the Senate adjourns subject to introduction of bills and receipt of committee reports, to meet Monday, April 2, at 7:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Jordan; and Lucas:

S.B. 720, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE COMMUNITY DEVELOPMENT INITIATIVE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell; Albertson, Kinnaird, Lee, Lucas and Martin of Guilford:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REPEAL THE WAITING PERIOD FOR COVERAGE UNDER THE NORTH CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN (NORTH CAROLINA HEALTH CHOICE).

Referred to **Health Care Committee**.

By Senator Purcell; Kinnaird and Lucas:

S.B. 722, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST INFORMATION ABOUT STAFFING LEVELS.

Referred to **Health Care Committee**.

By Senators Bingham; Albertson, Ballance, Cunningham, Garwood, Hagan, Harris, Horton, Hoyle, Kinnaird, Metcalf, Rand, Reeves, Warren and Weinstein:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES.

Referred to **Commerce Committee**.

By Senators Kinnaird; and Lee:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FORESTRY PILOT PROGRAM THAT PROMOTES COLLABORATIVE EFFORTS AMONG COUNTIES, LOCAL SOIL AND WATER CONSERVATION DISTRICTS, AND THE DIVISION OF FOREST RESOURCES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Kinnaird; Ballance, Garwood, Gulley and Lucas:

S.B. 725, A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM ON THE AUTHORITY OF LOCAL BOARDS OF EDUCATION TO ENTER INTO CONTRACTS FOR THE SALE OF SOFT DRINKS TO STUDENTS IN PUBLIC SCHOOLS, AND TO APPOINT AN INDEPENDENT STUDY COMMISSION TO STUDY THE PUBLIC HEALTH ISSUES AND MAKE RECOMMENDATIONS REGARDING WHETHER CERTAIN FOODS, INCLUDING SOFT DRINKS, SHOULD BE MADE AVAILABLE TO STUDENTS IN PUBLIC SCHOOLS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Harris:

S.B. 726, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REPAIR AND RENOVATE THE GENERAL WILLIAM C. LEE MUSEUM IN HARNETT COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 727, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AVERASBORO BATTLEFIELD COMMISSION.

Referred to **Appropriations/Base Budget Committee**.

By Senator Harris:

S.B. 728, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PERMIT-READY AN INDUSTRIAL PARK IN HARNETT COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Carrington:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MOTORCYCLE INSURANCE RATES ARE SET IN ACCORDANCE WITH THE LAW REGULATING INSURANCE RATES RATHER THAN ESTABLISHED BY THE NORTH CAROLINA RATE BUREAU.

Referred to **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Robinson for the **State and Local Government Committee.**

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES, with a favorable report.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 11:50 A.M.

THIRTY-NINTH DAY

Senate Chamber
Monday, April 2, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Jeanne Lucas, Senator from Durham County, as follows:

"Father, thank you for blessing us so bountifully and especially through the weekend, for bringing us back to this legislative site to respond to the state's needs. We realize that we have had years of plenty and now we are experiencing lean years. Help us, Father, not to grasp for greatness by using our authority and power for selfish gains, but instill within us the right spirit to follow your example of being loving servants as we distribute our resources. It is in your holy name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Martin of Pitt and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Leland Earl Garrett Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 10 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE BALLOT ACCESS LAWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 7588, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 432, A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6643 is adopted and engrossed.

H.B. 77 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF TROUTMAN, PEMBROKE, LOUISBURG, CATAWBA, AND MOCKSVILLE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6183, which changes the title to read **H.B. 77** (Senate Committee Substitute), AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 557 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES.

Upon motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business, and upon his further motion, the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

RECALL FROM THE HOUSE OF REPRESENTATIVES

H.B. 18 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

Senator Rand offers a motion that the Senate Committee Substitute bill, which passed its second and third readings on March 27, be recalled from the House of Representatives for further consideration by the Senate, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives requesting the return of H.B. 18.

CALENDAR (*continued*)

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—46.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill remains on the Calendar.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
April 2, 2001

Madame President:

Pursuant to your message requesting the return of **H.B. 18** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE, the House respectfully herewith complies.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on tonight's Calendar for immediate consideration.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading on March 27 be reconsidered, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading on March 27 be reconsidered, which motion prevails.

The question before the Senate becomes the passage of H.B. 18 on its second reading.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 3.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 481, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION. (Res. 7).

H.B. 597, AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES.

CALENDAR (*continued*)

S.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF LEXINGTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 221, A BILL TO BE ENTITLED AN ACT TO EXEMPT EMPLOYEES OF A PUBLIC HEALTH AUTHORITY FROM CHAPTER 126 OF THE GENERAL STATUTES AND TO MAKE CONFORMING CHANGES TO CHAPTER 126.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second reading (47-0).

Senator Shaw of Guilford objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure to remain on the Calendar for Tuesday, April 3.

S.B. 257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AND TO MAKE CLARIFYING CHANGES.

The Committee Substitute bill passes its second (48-0) and third readings and is

ordered sent to the House of Representatives.

S.B. 275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN.

Senator Hartsell offers a motion that the Committee Substitute bill be withdrawn from tonight's Calendar and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from tonight's Calendar, and re-refers the measure to the **Finance Committee**.

S.B. 342 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS.

The Committee Substitute bill passes its second (45-3) and third readings and is ordered sent to the House of Representatives.

S.B. 542, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES.

Senator Wellons offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

INTRODUCTION OF A BILL

Senator Albertson offers a motion that Rule 40 be suspended to allow the introduction of the following bill, which was filed today, which motion prevails by a two-thirds majority vote.

S.B. 779, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

RESOLUTION FROM ANOTHER STATE

The following resolution received from another State is presented to the Senate and ordered filed in the Office of the Principal Clerk (*See Appendix.*):

State of North Dakota House Concurrent Resolution No. 3031, A concurrent resolution making application to Congress to submit to the states an amendment to the Constitution of the United States to prohibit the United States Supreme Court and any federal court from ordering a state or political subdivision to levy or increase taxes.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jeremy Smith Eldreth, Lansing; Lyndsey Kathryn Eloshway, Faison; Forrest George, Mooresville; Laura Elisabeth Hawkins, Durham; Gary Ransom Hawkins, Durham; Fletcher LeRoy Hutton, Thomasville; Ashley Kennedy, Raleigh; Larry Randell Mitchiner,

Raleigh; Allison H. Paksoy, Davidson; Randall A. Phipps, Crumpler; Lindsay Caroline Rancke, Lumberton; Jessica Sanders, Gibsonville; Emily Anne Scott, Goldsboro; Taj Simpson, Mooresville; Kimberly Brooke Taylor, Jefferson; Matthew Thomas, Kings Mountain; Wess Thompson, Mooresville and Justin Darwin Williams, Garner.

ADDITIONAL SPONSORS

Senator Warren requests to be added as a sponsor of previously introduced legislation:

S.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES.

Senator Allran requests to be added as a sponsor of previously introduced legislation:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO COMMUNITY MEDIATION CENTERS ACROSS THE STATE.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet tomorrow, Tuesday, April 3, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.
Referred to **Judiciary II Committee**.

H.B. 261, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE VETERANS HOME ACT.
Referred to **Pensions & Retirement and Aging Committee**.

H.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATE TREASURER'S INVESTMENT AUTHORITY.
Referred to **Finance Committee**.

H.B. 495 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LEFT TURNS ON RED IN CERTAIN SITUATIONS, AND TO MAKE TECHNICAL CHANGES.
Referred to **Rules and Operations of the Senate Committee**.

H.B. 556, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF LEXINGTON TO INCREASE ITS ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT.
Referred to **Finance Committee**.

H.B. 602, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF TRINITY AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

Referred to **Finance Committee**.

H.B. 633, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ARCHDALE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS.

Referred to **Finance Committee**.

H.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW JOHNNY S. MYERS TO CONVEY CERTAIN PROPERTY TO THE COUNTY OF YADKIN.

Referred to **State and Local Government Committee**.

H.B. 671, A BILL TO BE ENTITLED AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS.

Referred to **Finance Committee**.

H.B. 683, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE PLYMOUTH TOWN COUNCIL ELECTED FROM A WARD ARE VOTED ON ONLY WITHIN THAT WARD.

Referred to **State and Local Government Committee**.

H.B. 699, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON A NONPARTISAN BASIS.

Referred to **State and Local Government Committee**.

INTRODUCTION OF BILLS AND A RESOLUTION

Bills and a resolution filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senators Clodfelter; and Dannelly:

S.B. 730, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COURT PERSONNEL TO SERVE THE TWENTY-SIXTH JUDICIAL DISTRICT.

Referred to **Appropriations/Base Budget Committee**.

By Senators Clodfelter; and Gulley:

S.B. 731, A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.

Referred to **Transportation Committee**.

By Senator Clodfelter:

S.B. 732, A BILL TO BE ENTITLED AN ACT TO REMOVE THE LIMITATIONS ON LOCAL GOVERNMENT CONTRACTS WITH THIRD PARTIES FOR INSPECTION AND PLANS REVIEW SERVICES.

Referred to **State and Local Government Committee**.

By Senators Clodfelter; Hartsell, Kinnaird, Rand and Reeves:

S.B. 733, A BILL TO BE ENTITLED AN ACT TO AMEND G.S. 160A-4 AND G.S. 153A-4 TO CLARIFY THE AUTHORITY OF LOCAL GOVERNMENT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Dalton:

S.B. 734, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR REGIONAL AND COOPERATIVE INITIATIVES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Dalton:

S.B. 735, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET.

Referred to **Education/Higher Education Committee**.

By Senators Purcell; Albertson, Forrester, Kerr, Lucas and Martin of Guilford:

S.B. 736, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A VARICELLA VACCINE PROGRAM FOR CHILDREN.

Referred to **Appropriations/Base Budget Committee**.

By Senators Purcell; Forrester, Gulley, Lucas and Martin of Guilford:

S.B. 737, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INTERPRETER SERVICES IN LOCAL HEALTH DEPARTMENTS IN COUNTIES WITH A SUBSTANTIAL NUMBER OF SPANISH-SPEAKING RESIDENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Purcell:

S.B. 738, A BILL TO BE ENTITLED AN ACT TO ADD ANSON COUNTY TO THE MODEL TEACHER EDUCATION CONSORTIUM.

Referred to **Education/Higher Education Committee**.

By Senators Carter; Garrou, Hagan, Lee, Metcalf and Robinson:

S.B. 739, A BILL TO BE ENTITLED AN ACT TO EXTENT PRIVILEGE COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES AND LICENSED CLINICAL SOCIAL WORKERS.

Referred to **Judiciary I Committee**.

By Senators Wellons; Lucas and Martin of Guilford:

S.B. 740, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO EXTEND ADOPTION ASSISTANCE PAYMENTS TO AGE NINETEEN, TO INCREASE VENDOR PAYMENTS FOR POST-ADOPTION SERVICES, AND TO INCREASE ADOPTION ASSISTANCE PAYMENTS IN THE SPECIAL NEEDS ADOPTIONS INCENTIVE FUND.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas; and Gulley:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT OF HEALTHY CAROLINIAN PARTNERSHIP INITIATIVES IN EACH COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Miller:

S.B. 742, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO WAIVE IMMUNITY FOR NEGLIGENCE LIABILITY BY THE ADOPTION OF A FUNDED RESERVE AND TO CLARIFY THAT ANY WAIVER OF IMMUNITY IS FROM THE FIRST DOLLAR OF DAMAGES AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Judiciary II Committee**.

By Senator Miller:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO LOCAL GOVERNMENT TORT LIABILITY AND STATE TORT LIABILITY, AND TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hagan, Bingham; Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Harris, Hartsell, Horton, Jordan, Kinnaird, Metcalf, Miller, Rand, Reeves, Robinson, Swindell and Wellons:

S.B. 744, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS.

Referred to **Education/Higher Education Committee**.

By Senator Miller:

S.B. 745, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION.

Referred to **Judiciary II Committee**.

By Senator Miller:

S.B. 746, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION.

Referred to **Judiciary II Committee**.

By Senator Miller:

S.B. 747, A BILL TO BE ENTITLED AN ACT AMENDING THE PROVISIONS OF THE STATE EMPLOYEES INCENTIVE BONUS PROGRAM, ARTICLE 36A OF CHAPTER 143 OF THE GENERAL STATUTES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Hoyle and Kerr:

S.B. 748, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE NURSING HOME ADMINISTRATOR ACT.

Referred to **Health Care Committee**.

By Senators Thomas; Rand and Warren:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR

THE DEVELOPMENT OF THE HISTORY EDUCATION AND VISITOR CENTER AT THE TRYON PALACE HISTORIC SITES AND GARDENS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Thomas; Albertson, Carter, Cunningham, Forrester, Harris, Robinson, Swindell and Weinstein:

S.B. 751, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR PRESCHOOL EDUCATIONAL PROGRAM SITES.

Referred to **Judiciary I Committee**.

By Senator Ballance:

S.B. 752, A BILL TO BE ENTITLED AN ACT TO ADD AN APPOINTEE OF THE INDIGENT DEFENSE SERVICES COMMISSION TO THE STATE JUDICIAL COUNCIL.

Referred to **Judiciary II Committee**.

By Senator Ballance:

S.B. 753, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT BY INCREASING REIMBURSEMENT FOR FUNERAL EXPENSES AND WORK LOSS AND BY PROVIDING THAT WORK LOSS INCLUDES LOST WAGES FOR TIME SPENT IN COURT AND COURT-RELATED TRANSPORTATION COSTS.

Referred to **Judiciary II Committee**.

By Senators Dannelly; Albertson, Allran, Carter, Clodfelter, Foxx, Garwood, Hagan, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford and Rand:

S.B. 754, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL EMPLOYEES TO RETURN TO THE CLASSROOM THE NEXT YEAR WITHOUT LOSING RETIREMENT BENEFITS.

Referred to **Education/Higher Education Committee**.

By Senators Rand; Albertson, Ballance, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Reeves, Robinson, Soles, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 755, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE ESTABLISHMENT OF A PRESCRIPTION DRUG PROGRAM THAT ADDRESSES PRICING AND OTHER ISSUES RELATED TO ACCESS TO PRESCRIPTION DRUGS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rand; and Plyler:

S.B. 756, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ECKERD WILDERNESS CAMP PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Dannelly, Forrester, Hagan, Hoyle and Plyler:

S.B. 757, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE BENEFITS PACKAGE OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Gulley; and Lucas:

S.B. 758, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR TROSA, A RESIDENTIAL THERAPEUTIC COMMUNITY FOR SUBSTANCE ABUSERS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 759, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON COMMUTER RAIL TRANSPORTATION LIABILITY.

Referred to **Judiciary I Committee**.

By Senators Martin of Guilford; Ballance and Weinstein:

S.B. 760, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA INDIAN ECONOMIC DEVELOPMENT INITIATIVE, INC.

Referred to **Appropriations/Base Budget Committee**.

By Senator Martin of Guilford:

S.B. 761, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE RENOVATION OF KIMBALL HALL AT THE CHARLOTTE HAWKINS BROWN STATE HISTORIC SITE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas; Ballance, Dannelly, Gulley, Jordan, Kinnaird, Martin of Guilford, Purcell, Shaw of Cumberland and Warren:

S.B. 762, A BILL TO BE ENTITLED AN ACT TO ENSURE FAIRNESS IN THE NORTH CAROLINA STATEWIDE TESTING PROGRAM.

Referred to **Education/Higher Education Committee**.

By Senators Shaw of Cumberland; and Rand:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN ENGINEERING STUDY AND REPORT OF A PROPOSED DAM AND RESERVOIR TO BE LOCATED ON THE CAPE FEAR RIVER IN CUMBERLAND COUNTY, TO AUTHORIZE ADDING THIS AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO APPLY FOR A GRANT TO ASSIST IN FUNDING THE PROJECT.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Warren; Albertson, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Martin of Guilford, Miller, Plyler, Rand, Shaw of Guilford, Soles, Weinstein and Wellons:

S.B. 764, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE SAVINGS INSTITUTION DIVISION TO THE STATE BANKING COMMISSION; TO AUTHORIZE ADDITIONAL DEPUTY COMMISSIONERS; TO MERGE THE SAVINGS INSTITUTIONS COMMISSION WITH THE STATE BANKING COMMISSION; TO REQUIRE THE COMMISSIONER TO REPORT TO THE GENERAL ASSEMBLY; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES.

Referred to **Commerce Committee**.

By Senator Horton (By Request):

S.B. 765, A BILL TO BE ENTITLED AN ACT TO REDEFINE FIRST AND SECOND DEGREE MURDERS.

Referred to **Judiciary I Committee**.

By Senators Carpenter, Lucas; and Garwood:

S.B. 766, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTY OF A GUARDIAN WITH RESPECT TO MEDICAL TREATMENT OF A WARD AND TO MODIFY THE STANDARDS FOR REMOVAL OF A GUARDIAN BY THE CLERK OF COURT.

Referred to **Judiciary I Committee**.

By Senator Reeves:

S.B. 767, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR PROVIDING INFORMATION TECHNOLOGY TRAINING FOR EMPLOYEES.

Referred to **Finance Committee**.

By Senators Gulley; Albertson, Ballance, Berger, Bingham, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Harris, Horton, Hoyle, Kerr, Kinnaird, Lucas, Metcalf, Miller, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Thomas, Warren and Weinstein:

S.B. 768, A BILL TO BE ENTITLED AN ACT TO INCREASE MEDICAID REIMBURSEMENT RATES FOR MEDICAID COVERED DENTAL SERVICES TO EQUAL THE REIMBURSEMENT RATES PAID UNDER THE NORTH CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN FOR THE SAME SERVICES.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lucas; and Shaw of Cumberland:

S.B. 769, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TEACHER ASSISTANT SALARY SCHEDULE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Carpenter; Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Cunningham, Dalton, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Lee, Martin of Guilford, Metcalf, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons:

S.J.R. 770, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERMAN HARLEY "BULL" WEST, ONE OF WESTERN NORTH CAROLINA'S MOST DISTINGUISHED CITIZENS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler, Albertson, Purcell, Lee, Rand, Odom, Bingham, Hartsell, Garwood, Clodfelter, Dannelly, Rucho, Dalton, Hoyle; Allran, Carpenter, Carrington, Carter, Forrester, Gulley, Horton, Kinnaird, Lucas, Moore, Shaw of Guilford, Warren, Weinstein and Wellons:

S.B. 771, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR PUBLIC TELEVISION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Wellons; Forrester, Purcell and Rucho:

S.B. 772, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH

CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION.

Referred to **Health Care Committee**.

By Senators Albertson; Ballance, Clodfelter, Dannelly, Gulley, Harris, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Plyler, Purcell, Robinson, Shaw of Cumberland, Soles, Warren, Weinstein and Wellons:

S.B. 773, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR EDUCATIONAL OPPORTUNITIES FOR AT-RISK STUDENTS BY RAISING THE STATE SALES AND USE TAX BY ONE-HALF CENT AND TO PROVIDE ADDITIONAL FUNDING FOR PUBLIC SCHOOL CONSTRUCTION AT THE LOCAL LEVEL WITHOUT INCREASING PROPERTY TAXES BY AUTHORIZING COUNTIES TO LEVY AN ADDITIONAL ONE-HALF CENT LOCAL SALES AND USE TAX.

Referred to **Finance Committee**.

By Senators Rand; Albertson, Ballance, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Harris, Kerr, Kinnaird, Lee, Lucas, Metcalf, Miller, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons:

S.B. 774, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS TO PROVIDE FOR THE FINANCIAL PRIVACY OF CUSTOMER INFORMATION AND RECORDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 775, A BILL TO BE ENTITLED AN ACT TO PROVIDE COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FOR MEMBERS OF BOARDS, COMMISSIONS, AND COUNCILS WHICH ARE STAFFED BY EMPLOYEES WHO ARE COVERED UNDER THE PLAN.

Referred to **Health Care Committee**.

By Senators Thomas; Cunningham, Metcalf and Swindell:

S.B. 776, A BILL TO BE ENTITLED AN ACT TO INCLUDE LAW ENFORCEMENT EQUIPMENT IN THE CATEGORY OF FELONY LARCENY.

Referred to **Judiciary II Committee**.

By Senator Lee:

S.B. 777, A BILL TO BE ENTITLED AN ACT TO CLARIFY EXISTING DELEGATIONS OF AUTHORITY TO COUNTIES AND CITIES AND CONFIRM FLEXIBILITY IN THE EXECUTION OF THOSE DELEGATED AUTHORITIES.

Referred to **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:56 P.M.

FORTIETH DAY

Senate Chamber
Tuesday, April 3, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Haywood Holderness, Westminster Presbyterian Church, Durham, North Carolina, as follows:

"Gracious God, we are indeed thankful to live in this particular State, a state in which we can unite our prayers and resources to go to the aid of flooded counties down east; a state in which we are able to set aside deep-seated athletic rivalries and join our voices in making a joyful noise about one of our local teams.

"Holy God, we pray for the women and men who govern. Spread among them your many gifts, the wisdom of Solomon, the kindness of Jesus, the strength of Rebekah, the courage of Tamar, the love and justice of Amos, the encouraging and supportive spirit of Barnabas, and the patience of Job. Give to them the good sense to recognize which gifts are theirs, and then to use those gifts to promote the general welfare of all your people. This prayer we make in the name of the One we deem to be holy. Amen.

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Peter George Mangone from Asheville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sue Ellen Miller from Statesville, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 220, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4595, which changes the title to read **S.B. 220** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING THE TIME STOCK AND OTHER EQUITY INTERESTS IN BUSINESS ASSOCIATIONS ARE PRESUMED ABANDONED FOR PURPOSES OF THE NORTH CAROLINA UNCLAIMED PROPERTY ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM INTO AN UNOCCUPIED BUILDING, VEHICLE, OR OTHER ENCLOSURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4592 is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 299, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 779, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4605 is adopted and engrossed.

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES.

Referred to **Finance Committee**.

H.B. 142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY

WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to **Judiciary II Committee**.

H.B. 800, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Referred to **Rules and Operations of the Senate Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered, without objection, sent by special message to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 464, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF LAURINBURG, referred to the **Rules and Operations of the Senate Committee** on March 15, 2001.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 77 (Senate Committee Substitute), AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, upon second reading.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Wednesday, April 4.

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 10 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE BALLOT ACCESS LAWS.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0) and changes the title to read **S.B. 432** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS TO JOIN CERTAIN WATER AND SEWER AUTHORITIES AND CONCERNING THE RIGHT OF SUBSEQUENTLY JOINING MUNICIPALITIES TO HAVE VOTING MEMBERSHIP.

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 18 (Senate Committee Substitute), AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent by special message to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 221, A BILL TO BE ENTITLED AN ACT TO EXEMPT EMPLOYEES OF A PUBLIC HEALTH AUTHORITY FROM CHAPTER 126 OF THE GENERAL STATUTES AND TO MAKE CONFORMING CHANGES TO CHAPTER 126, as amended on second reading.

The bill, as amended on second reading, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

REPORTS OF COMMITTEES

By Senator Soles for the **Commerce Committee**:

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS, with a favorable report.

S.B. 395, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES, with a favorable report.

Upon motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

ADDITIONAL SPONSOR

Senator Cunningham requests to be added as a sponsor of previously introduced legislation:

S.B. 201, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCHOOL ACCOUNTABILITY MODEL TO TAKE INTO ACCOUNT A CLOSING THE GAP COMPONENT, TO DIRECT SCHOOL SYSTEMS TO IDENTIFY STUDENTS WHO HAVE BEEN PLACED AT RISK OF ACADEMIC SCHOOL FAILURE AND IMPLEMENT PERSONAL EDUCATION PLANS FOR THOSE STUDENTS, TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES FOR SCHOOL SYSTEMS TO ESTABLISH LOCAL TASK FORCES ON CLOSING THE ACHIEVEMENT GAP, TO REQUIRE PRINCIPALS TO CONSIDER INFORMATION IN ADDITION TO STATE TEST RESULTS WHEN MAKING STUDENT PROMOTION DECISIONS, TO DIRECT THE STATE BOARD OF EDUCATION TO INCLUDE CULTURALLY DIVERSE OBJECTIVES AND ACTIVITIES AS PART OF ITS CURRICULUM REVISIONS, TO REQUIRE THE EMPLOYMENT OF TEACHERS OR INSTRUCTIONAL SUPPORT PERSONNEL WHO SPEAK THE LANGUAGE OF NON-ENGLISH-SPEAKING STUDENTS WHEN THERE IS A SUBSTANTIAL POPULATION OF THOSE STUDENTS IN A SCHOOL, TO MAKE PERMANENT THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS, TO DIRECT THE STATE BOARD OF EDUCATION TO REPORT IN A DISAGGREGATED MANNER DROPOUT RATES, SUSPENSIONS, EXPULSIONS, AND ALTERNATIVE PLACEMENTS, AND TO APPROPRIATE FUNDS.

S.B. 548, A BILL TO BE ENTITLED AN ACT TO ENACT THE RECOMMENDATIONS OF THE STATE BOARD OF EDUCATION TO REVISE CERTAIN PROVISIONS RELATED TO THE ABCS OF PUBLIC EDUCATION PROGRAM.

S.B. 378, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

Upon motion of Senator Ballance, seconded by Senator Berger, the Senate adjourns subject to introduction of bills and ratification of bills to meet tomorrow, Wednesday, April 4, at 3:00 P.M.

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Hartsell:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF PUBLIC SCHOOL EMPLOYEES.

Referred to **Education/Higher Education Committee**.

By Senator Hartsell:

S.B. 780, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS.

Referred to **Judiciary I Committee**.

By Senators Odom; and Carpenter:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURANCE PLANS AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE COVERAGE FOR PATIENT COSTS INCURRED AS A RESULT OF TREATMENT PROVIDED IN A CLINICAL TRIAL FOR ALL CANCERS AND FOR LIFE-THREATENING, DEGENERATIVE, OR PERMANENTLY DISABLING CONDITIONS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Odom; and Foxx:

S.B. 782, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA HUMANITIES COUNCIL.

Referred to **Appropriations/Base Budget Committee**.

By Senator Odom:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXTEND BY FIVE YEARS THE SUNSET REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Odom:

S.B. 784, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CUED SPEECH CENTER, INC.

Referred to **Appropriations/Base Budget Committee**.

By Senator Odom:

S.B. 785, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CONTINUING LEGAL EDUCATION REQUIREMENTS ATTORNEYS SERVING ON THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY.

Referred to **Judiciary II Committee**.

By Senator Odom:

S.B. 786, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAROLINAS POISON CONTROL CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senator Odom:

S.B. 787, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE.

Referred to **Judiciary II Committee**.

By Senators Martin of Guilford; Carpenter, Forrester and Garwood:

S.B. 788, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH

INSURANCE COVERAGE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Hartsell:

S.B. 789, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

Referred to **State and Local Government Committee**.

By Senator Hartsell:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO REPEAL THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LENDER WHICH IS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS EITHER A SUPERVISED OR NONSUPERVISED MORTAGEE.

Referred to **Judiciary I Committee**.

By Senator Swindell:

S.B. 791, A BILL TO BE ENTITLED AN ACT AFFECTING UNDERGROUND STORAGE OR THE ENVIRONMENT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Plyler, Purcell, Hartsell; and Bingham:

S.B. 792, A BILL TO BE ENTITLED AN ACT TO AMEND THE SALES TAX.

Referred to **Finance Committee**.

By Senator Garrou:

S.B. 793, A BILL TO BE ENTITLED AN ACT TO CLARIFY VARIOUS PROVISIONS OF THE PUBLIC SCHOOL LAWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas; and Foxx:

S.B. 794, A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHERS TO CONVERT ALL EXCESS VACATION LEAVE TO SICK LEAVE OR TO PAID LEAVE.

Referred to **Education/Higher Education Committee**.

By Senator Hartsell:

S.B. 795, A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT, AND TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT, AND TO CLARIFY THAT THE ACT APPLIES TO BUSINESS FORMS IN ADDITION TO CORPORATIONS.

Referred to **Judiciary I Committee**.

By Senator Lee:

S.B. 796, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE

ESTABLISHMENT OF A CHARTER SCHOOL SYSTEM.

Referred to **Education/Higher Education Committee**.

By Senators Miller, Ballance and Metcalf:

S.B. 797, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO THIRTEEN CONGRESSIONAL DISTRICTS.

Referred to **Redistricting Committee**.

By Senators Miller, Ballance and Metcalf:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS.

Referred to **Redistricting Committee**.

By Senator Miller:

S.B. 799, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ALICE AYCOCK POE CENTER FOR HEALTH EDUCATION.

Referred to **Appropriations/Base Budget Committee**.

By Senators Bingham, Warren, Weinstein; Carrington, Dannelly, Forrester, Foxx, Garwood, Hartsell, Horton, Jordan, Kerr, Kinnaird, Miller, Moore and Webster:

S.B. 800, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF CREDIT CARD SOLICITATION.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Bingham; Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Kinnaird and Webster:

S.B. 801, A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE FIREMEN REPORTING REQUIREMENTS.

Referred to **Pensions & Retirement and Aging Committee**.

By Senators Warren; Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Webster and Weinstein:

S.B. 802, A BILL TO BE ENTITLED AN ACT TO ESTABLISH GUIDELINES AND TO APPROPRIATE FUNDS FOR THE PURCHASE AND PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS IN STATE GOVERNMENT BUILDINGS.

Referred to **Health Care Committee**, and upon a favorable report, re-referred to **Appropriations/Base Budget Committee**.

By Senators Forrester; Carpenter, Cunningham, Garwood, Hoyle and Martin of Guilford:

S.B. 803, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.

Referred to **Education/Higher Education Committee**.

By Senators Forrester; Carpenter, Cunningham, Garwood and Hoyle:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO CREATE A CREDIT AGAINST THE INCOME TAX OF PUBLIC SCHOOL TEACHERS.

Referred to **Finance Committee**.

By Senators Forrester; Carpenter, Cunningham, Foxx, Garwood, Hoyle, Martin of Guilford and Rucho:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE RETIRED TEACHERS TO RETURN TO THE CLASSROOM.

Referred to **Education/Higher Education Committee**.

By Senators Lee; and Carpenter:

S.B. 806, A BILL TO BE ENTITLED AN ACT REGARDING THE PRIVATIZATION OF TEXTBOOK DISTRIBUTION.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Reeves, Hartsell, Hoyle; Allran, Ballantine and Clodfelter:

S.B. 807, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR PLACING INTO SERVICE BROADBAND INTERNET ACCESS EQUIPMENT.

Referred to **Finance Committee**.

By Senators Weinstein, Ballance, Gulley, Lucas, Martin of Guilford; and Shaw of Cumberland:

S.B. 808, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MINORITY SUPPORT CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senators Martin of Guilford and Lucas; Clodfelter, Kinnaird and Miller:

S.B. 809, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE TO A LIVABLE WAGE.

Referred to **Commerce Committee**.

By Senators Martin of Guilford; and Kinnaird:

S.B. 810, A BILL TO BE ENTITLED AN ACT TO PROVIDE MENTORING PROGRAMS AND SUMMER PROGRAMS FOR AT-RISK HISPANIC STUDENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Dalton; Gulley, Hoyle and Martin of Guilford:

S.B. 811, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND.

Referred to **Education/Higher Education Committee**.

By Senators Martin of Guilford; Albertson, Dalton, Garrou, Gulley, Kinnaird, Lee, Lucas and Wellons:

S.B. 812, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE STUDY COMMISSION ON TUITION RATES FOR CERTAIN NONCITIZEN IMMIGRANT STUDENTS ENROLLED IN THE STATE UNIVERSITY SYSTEM OR THE COMMUNITY COLLEGES SYSTEM.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Dalton; and Hoyle:

S.B. 813, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS.

Referred to **Judiciary II Committee**.

By Senator Swindell:

S.B. 814, A BILL TO BE ENTITLED AN ACT RELATING TO THE LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Bingham; Carrington, Forrester, Garwood, Hartsell, Kinnaird and Webster:

S.B. 815, A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION CHARTS.

Referred to **Commerce Committee**.

By Senators Harris; and Foxx:

S.B. 816, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to **Pensions & Retirement and Aging Committee**.

By Senator Rand:

S.B. 817, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BUILDING CODE COUNCIL TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 818, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 819, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON WHO PLEADS GUILTY OR NO CONTEST TO A CLASS H OR I FELONY IN DISTRICT COURT AND RECEIVES A PROBATIONARY SENTENCE WILL HAVE ANY RESULTING PROBATION VIOLATION HEARING HELD IN DISTRICT COURT, AND THAT AN APPEAL FROM A SUBSEQUENT PROBATION REVOCATION WILL BE HEARD IN THE COURT OF APPEALS.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 820, A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

Referred to **Education/Higher Education Committee**.

By Senators Rand; and Carpenter:

S.B. 821, A BILL TO BE ENTITLED AN ACT TO CREATE THE UNDERAGE DRINKING STUDY COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rand; and Foxx:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXECUTIVE ADMINISTRATOR AND BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO ADOPT AN ARRANGEMENT FOR AN OPTIONAL PREPAID HOSPITAL AND MEDICAL BENEFITS PROGRAM AS AN ALTERNATIVE TO THOSE CURRENTLY AVAILABLE.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Rand; and Carpenter:

S.B. 823, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 824, A BILL TO BE ENTITLED AN ACT PERTAINING TO TEACHERS' AND STATE EMPLOYEES' BENEFITS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 825, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ADMINISTRATIVE LAW JUDGE TO STAY A CONTESTED CASE PENDING THE OUTCOME OF AN APPEAL CHALLENGING THE JURISDICTION OF THE OFFICE OF ADMINISTRATIVE HEARINGS TO HEAR THE CASE; AND TO CLARIFY THAT SUPERIOR COURT MAY GRANT INJUNCTIVE AND DECLARATORY RELIEF WITHOUT REGARD TO EXHAUSTION OF ADMINISTRATIVE REMEDIES.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 826, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS.

Referred to **Health Care Committee**.

By Senators Plyler; Hartsell, Hoyle, Kerr, Lee, Odom, Purcell, Rand and Soles:

S.B. 827, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET FOR CERTAIN PROVISIONS REGARDING CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Dannelly; Bingham, Clodfelter, Dalton, Foxx, Garrou, Hagan, Harris, Horton, Jordan, Lee, Lucas, Purcell, Rand, Weinstein and Wellons:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL EMPLOYEES TO RETURN TO THE SCHOOLS THE NEXT YEAR WITHOUT

LOSING RETIREMENT BENEFITS.

Referred to **Education/Higher Education Committee**.

By Senator Rand:

S.B. 829, A BILL TO BE ENTITLED AN ACT TO CLARIFY TREATMENT OF CERTAIN SECURITY INTERESTS CREATED BY THE STATE OR GOVERNMENTAL UNITS OF THE STATE UNDER ARTICLE 9 OF THE NORTH CAROLINA UNIFORM COMMERCIAL CODE.

Referred to **Finance Committee**.

By Senator Rand:

S.B. 830, A BILL TO BE ENTITLED AN ACT TO ALLOW EXISTING LICENSED CONTRACTORS FIVE YEARS TO COMPLY WITH ANY NEW LICENSING REQUIREMENTS OR RULES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 831, A BILL TO BE ENTITLED AN ACT ESTABLISHING A CONTRACTOR MENTOR/PROTÉGÉ PROGRAM.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 832, A BILL TO BE ENTITLED AN ACT RELATING TO A SMALL BUSINESS CONTRACTOR INITIATIVE.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rand; and Allran:

S.B. 833, A BILL TO BE ENTITLED AN ACT TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER A PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES.

Referred to **Judiciary I Committee**.

By Senators Wellons; Carpenter, Carter, Cunningham, Dannelly, Garrou, Harris, Lucas, Metcalf, Miller, Thomas and Warren:

S.B. 834, A BILL TO BE ENTITLED AN ACT PROVIDING FOR TUITION WAIVERS UP TO A BACHELORS DEGREE FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT ATTENDING STATE-SUPPORTED INSTITUTIONS.

Referred to **Education/Higher Education Committee** and upon a favorable report, re-referred to **Appropriations/Base Budget Committee**.

By Senator Wellons:

S.B. 835, A BILL TO BE ENTITLED AN ACT TO ADOPT THE SPRUCE-FIR MOSS SPIDER AS THE OFFICIAL SPIDER OF THE STATE OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Wellons; Carpenter and Lucas:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES.

Referred to **Education/Higher Education Committee**.

By Senators Cunningham; Allran, Ballantine, Berger, Bingham, Carpenter, Carter, Dalton, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Kinnaird, Metcalf, Robinson, Rucho, Thomas, Warren, Webster, Weinstein and Wellons:

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND FOR THREE YEARS AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 193, AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 163, AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 597, AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO CONDUCT AN ADVISORY REFERENDUM ON CAPITAL INVESTMENTS IN SPORTS AND CULTURAL FACILITIES. (Became law upon ratification, April 2, 2001–S.L. 2001-10)

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 3:44 P.M.

FORTY-FIRST DAY

Senate Chamber
Wednesday, April 4, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, this is a very busy day in the Senate Family, so give the staff and

Senators here an extra measure of patience and perseverance until all the public bills are filed. On days like this, so full of activities and responsibilities, let us always remember not only who we are but whose we are!

"While so many judge us and put a great emphasis on our lives of outer service, let us be determined to put a corresponding emphasis upon our inner lives of devotion to you. Then we shall find a peace that passes all understanding and rest for our souls. To Your glory we pray, Amen."

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Marsha Dean Ford from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Kaye Miller from Statesville, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 198 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 477 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MARION FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND RENOVATION OF PUBLIC SCHOOL FACILITIES.

Referred to **State and Local Government Committee**.

H.B. 604, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARY LOCAL FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND.

Referred to **Pensions & Retirement and Aging Committee**.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE AND THE TOWN OF CHAPEL HILL TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

Referred to **State and Local Government Committee**.

H.B. 965 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9572, which changes the title to read **S.B. 401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, is adopted and engrossed.

S.B. 446, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7605 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 484, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA BOARD OF PHARMACY FROM SIX TO NINE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9573 is adopted and engrossed.

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES, with a favorable report.

S.B. 206, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, with a favorable report.

S.B. 474, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA BRIDGE AUTHORITY TO THE NORTH CAROLINA TOLL ROAD AND BRIDGE AUTHORITY, TO AUTHORIZE THE AUTHORITY TO CHARGE A TOLL ON A NORTH-SOUTH PRIMARILY RURAL INTERSTATE HIGHWAY, AND TO DIRECT USE OF TOLL PROCEEDS TO EXPANSION AND MAINTENANCE OF THAT INTERSTATE HIGHWAY AND FOR OTHER TRANSPORTATION PURPOSES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Purcell for the **Health Care Committee**:

H.B. 286 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF DISEASE REPORTING AND INVESTIGATION REQUIREMENTS TO ALL DIAGNOSTIC LABORATORIES, with a favorable report.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and placed on the Calendar for Tuesday, April 10.

WITHDRAWAL FROM COMMITTEE

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES, referred to the **Appropriations/Base Budget Committee** on March 29, 2001.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Thursday, April 5, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Thursday, April 5.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S STUDY COMMITTEE ON GROUP HOMES TO ADDRESS THE NEEDS OF LOCAL SCHOOL ADMINISTRATIVE UNITS IN WHICH GROUP HOMES FOR CHILDREN ARE LOCATED AND TO PROVIDE FUNDS FOR THE EDUCATION OF THESE CHILDREN, with a favorable report.

Upon motion of Senator Kinnaird, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 586, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS, with a favorable report.

S.B. 735, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET, with a favorable report.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 466, A BILL TO BE ENTITLED AN ACT TO REMOVE AN INEQUITY FROM THE INSURANCE GUARANTY ASSOCIATION ACT RELATING TO WORKERS' COMPENSATION CLAIMS ARISING ON AND AFTER JANUARY 1, 1993; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2643, which changes the title to read **S.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS, is adopted and engrossed.

S.B. 468, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3777 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 447, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS, with a favorable report.

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER, with a favorable report.

CALENDAR (*continued*)

H.B. 77 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, upon second reading.

Senator Rand offers Amendment No. 1 which is adopted (48-1).

The amendment is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, is placed on the Calendar for tomorrow, Thursday, April 5, upon second reading.

S.B. 220 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING THE TIME STOCK AND OTHER EQUITY INTERESTS IN BUSINESS ASSOCIATIONS ARE PRESUMED ABANDONED FOR PURPOSES OF THE NORTH CAROLINA UNCLAIMED PROPERTY ACT AS RECOMMENDED BY

THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 299, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Senator Ballantine offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM INTO AN UNOCCUPIED BUILDING, VEHICLE, OR OTHER ENCLOSURE.

Senator Odom offers a motion that the Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from today's Calendar, and re-refers the Committee Substitute bill to the **Appropriations/Base Budget Committee**.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES.

Senator Odom offers a motion that the Committee Substitute bill be withdrawn from today's Calendar and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from today's Calendar, and re-refers the Committee Substitute bill to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 77 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, as amended earlier today.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is withdrawn from the Calendar of Thursday, April 5 and is placed before the Senate for immediate consideration.

Senator Robinson offers Amendment No. 2 which is adopted (48-0).

The amendment is ruled to be material which constitutes first reading.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, April 5, upon second reading.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 163, AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO FUND FURNITURE MARKET IMPROVEMENTS. (Became law upon ratification, April 3, 2001–S.L. 2001-11.)

The Senate recesses at 3:45 P.M. to reconvene at 4:15 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON, with a favorable report.

S.B. 405, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE, with a favorable report.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS, with a favorable report.

S.B. 584, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL, with a favorable report.

S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS, with a favorable report.

S.B. 655, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COATS AND TO VALIDATE ACTIONS OF THE TOWN TAKEN WITH RESPECT TO THAT PROPERTY, with a favorable report.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS, with a favorable report.

S.B. 677, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WELDON, with a favorable report.

S.B. 229, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4607, which changes

the title to read **S.B. 229** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE BOUNDARY LINE BETWEEN THE TOWNS OF CAROLINA BEACH AND KURE BEACH BY REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CAROLINA BEACH AND ADDING THE PROPERTY TO THE LIMITS OF THE TOWN OF KURE BEACH, is adopted and engrossed.

S.B. 408, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO MAKE ROADWAY IMPROVEMENTS IN THE CITY'S EXTRATERRITORIAL JURISDICTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3791, which changes the title to read **S.B. 408** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION, is adopted and engrossed.

Upon adoption of the Committee Substitute, the bill becomes a public bill.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 779 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES, for concurrence in the House Committee Substitute bill with amendments.

Upon motion of Senator Albertson, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon concurrence.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill with amendments (47-0) and the measure is ordered enrolled and sent to the Governor by special message.

H.J.R. 663, A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE.

Referred to **Rules and Operations of the Senate Committee**.

Upon motion of Senator Basnight, seconded by Senator Hagan, the Senate adjourns subject to introduction of bills and ratification of bills, in memory of Congressman Richardson Pryor, to meet tomorrow, Thursday, April 5, at 11:00 A.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rucho:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ADDITIONAL FEE FOR SPECIAL REGISTRATION PLATES FOR AMATEUR RADIO OPERATORS.

Referred to **Finance Committee**.

By Senator Rucho:

S.B. 839, A BILL TO BE ENTITLED AN ACT TO PROHIBIT WORKERS' COMPENSATION CARRIERS FROM INCREASING PREMIUMS, REDUCING COVERAGE, OR INCREASING AN EMPLOYER'S LOSS MODIFICATION FACTOR WHEN THE INJURY OF THAT EMPLOYER'S EMPLOYEE IS CAUSED BY A THIRD PARTY.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Rucho:

S.B. 840, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE AWARD OF ATTORNEY FEES IN CLAIMS BEFORE THE EMPLOYMENT SECURITY COMMISSION.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Jordan:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NET PROCEEDS FROM THE SALE OF REAL PROPERTY AT DOBBS YOUTH ACADEMY TO BE USED FOR CAPITAL IMPROVEMENTS AT THE ACADEMY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Clodfelter:

S.B. 842, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAW GOVERNING PARTNERSHIPS.

Referred to **Judiciary I Committee**.

By Senators Plyler, Purcell and Hartsell:

S.B. 843, A BILL TO BE ENTITLED AN ACT TO EXEMPT ELECTRICITY USED FOR CERTAIN PURPOSES FROM THE SALES AND USE TAX.

Referred to **Finance Committee**.

By Senator Martin of Pitt:

S.B. 844, A BILL TO BE ENTITLED AN ACT TO REDUCE THE COUNTY SHARE OF NONFEDERAL PAYMENTS FOR THE MEDICAID PROGRAM FOR CERTAIN COUNTIES AND TO APPROPRIATE FUNDS TO COVER THE REDUCTION IN COUNTY NONFEDERAL PAYMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Martin of Pitt:

S.B. 845, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE DEVELOPMENT OF THE WANCHESE MARINE INDUSTRIAL PARK IN TYRRELL COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Martin of Pitt:

S.B. 846, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE EASTERN NORTH CAROLINA HERITAGE TOURISM INITIATIVE.

Referred to **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 847, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION WILL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS ON MAINTENANCE AS WELL AS IMPROVEMENT PROJECTS.

Referred to **Transportation Committee**, and upon a favorable report, re-referred to **Appropriations/Base Budget Committee**.

By Senator Kerr:

S.B. 848, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Kerr:

S.B. 849, A BILL TO BE ENTITLED AN ACT TO CONFORM THE DEFINITION OF "USE" FOR SALES AND USE TAX PURPOSES TO THE DEFINITION USED IN NEIGHBORING STATES.

Referred to **Finance Committee**.

By Senator Kerr:

S.B. 850, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF COSMETIC ART EXAMINERS TO INCREASE FEES AND REQUIRING CONTINUING EDUCATION OF PERSONS PRACTICING UNDER THE COSMETIC ART ACT.

Referred to **Finance Committee**.

By Senators Cunningham; Dalton, Garrou and Weinstein:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

Referred to **Judiciary I Committee**.

By Senator Hoyle:

S.B. 852, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TO PURCHASE OWNER-CONTROLLED OR WRAP-UP INSURANCE FOR PUBLIC WORKS PROJECTS.

Referred to **Insurance and Consumer Protection Committee**.

By Senators Horton; Hartsell, Jordan and Soles:

S.J.R. 853, A JOINT RESOLUTION ACCEPTING PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Horton; Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Lucas, Martin of Guilford, Moore, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Thomas, Warren, Weinstein and Wellons:

S.B. 854, A BILL TO BE ENTITLED AN ACT TO CODIFY THE JOINT

RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE; TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE; TO CODIFY THESE REMOVALS; AND TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Gulley, Reeves and Lee:

S.B. 855, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF AIRPORT FACILITIES FOR CERTAIN PURPOSES.

Referred to **Commerce Committee**.

By Senators Kerr and Horton:

S.B. 856, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE TAX CREDIT FOR REHABILITATING A NONINCOME-PRODUCING HISTORIC STRUCTURE APPLIES ONLY TO RESIDENTIAL BUILDINGS.

Referred to **Finance Committee**.

By Senators Odom; Clodfelter and Dannelly:

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS TO ESTABLISH SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Referred to **Judiciary II Committee**.

By Senators Metcalf; Carpenter and Carter:

S.B. 858, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PURPOSES FOR WHICH FUNDS APPROPRIATED TO ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE MAY BE USED.

Referred to **Appropriations/Base Budget Committee**.

By Senators Webster; Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Forrester, Foxx, Garrou, Garwood, Harris, Hartsell, Horton, Hoyle, Kerr, Lucas, Moore, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Swindell and Thomas:

S.B. 859, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX WAGES RECEIVED BY A NONRESIDENT FROM WORK PERFORMED IN THIS STATE IF THAT INDIVIDUAL'S HOME STATE HAS A SIMILAR LAW AND TO MAKE CONFORMING CHANGES.

Referred to **Finance Committee**.

By Senators Clodfelter, Warren and Soles:

S.B. 860, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES AND TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS.

Referred to **Judiciary I Committee**.

By Senators Purcell; Carpenter, Clodfelter, Cunningham, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Kinnaird, Lee, Lucas, Moore, Odom, Reeves, Soles, Swindell,

Weinstein and Wellons:

S.B. 861, A BILL TO BE ENTITLED AN ACT TO ADDRESS SOME OF NORTH CAROLINA'S PUBLIC HEALTH PROBLEMS IN SHORTAGES OF LICENSED DENTAL PERSONNEL IN RURAL AND LOW-INCOME AREAS BY DEVELOPING PATHWAYS FOR NORTH CAROLINA STATE LICENSING OF DENTISTS AND DENTAL HYGIENISTS WHO ARE ALREADY LICENSED IN OTHER STATES OR JURISDICTIONS THROUGH PROVIDING FOR REVIEW OF THE PROFESSIONAL CREDENTIALS AND OTHER RECORDS OF ACTIVITIES BY APPLICANTS AS AN ALTERNATIVE TO REQUIRING APPLICANTS TO SATISFACTORILY COMPLETE A LICENSING BOARD CLINICAL EXAMINATION; BY ESTABLISHING A LIMITED VOLUNTEER DENTAL LICENSE; BY IMPROVING REGULATORY PROVISIONS FOR DENTAL FACULTY AND STUDENTS; AND BY ENACTING OTHER LICENSING CHANGES.

Referred to **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Jordan:

S.B. 862, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE PROVISIONS OF THE CHECK CASHIER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS AND TO AMEND THOSE PROVISIONS TO PROVIDE ADDITIONAL CONSUMER PROTECTIONS AND REQUIREMENTS ON LICENSEES.

Referred to **Commerce Committee**.

By Senator Martin of Guilford:

S.B. 863, A BILL TO BE ENTITLED AN ACT TO EXPAND ACCESS TO ORAL HEALTH CARE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Kinnaird, Lee; Gulley and Lucas:

S.B. 864, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES IN NORTH CAROLINA WITH POPULATIONS OF ONE HUNDRED THOUSAND TO ENACT ORDINANCES PROHIBITING DISCRIMINATION.

Referred to **Judiciary II Committee**.

By Senator Warren:

S.B. 865, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM IN PITT COUNTY TO PERMIT ANY VOTER TO VOTE AT ANY VOTING PLACE.

Referred to **State and Local Government Committee**.

By Senators Miller, Rand, Martin of Guilford; and Dalton:

S.B. 866, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT.

Referred to **Judiciary II Committee**.

By Senators Gulley; Cunningham, Hartsell, and Rucho:

S.B. 867, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

Referred to **Education/Higher Education Committee**.

By Senator Gulley:

S.B. 868, A BILL TO BE ENTITLED AN ACT TO AMEND THE VOTER REGISTRATION LAWS TO PROVIDE FOR VOTER SAFETY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 869, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE NORTH CAROLINA DEMOCRACY FUND.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:

S.B. 870, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE NORTH CAROLINA MILITARY AFFAIRS COUNCIL.

Referred to **Appropriations/Base Budget Committee**.

By Senators Metcalf; Carpenter and Carter:

S.B. 871, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE FOR THE RENOVATION AND RESTORATION OF FERNIHURST CULINARY AND HOSPITALITY CENTER.

Referred to **Appropriations/Base Budget Committee**.

By Senators Metcalf; Carpenter, Carter and Robinson:

S.B. 872, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENHANCE ECONOMIC DEVELOPMENT IN WESTERN NORTH CAROLINA THROUGH THE SMALL TOWN REVITALIZATION AND COUNTY PLANNING PROGRAM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Metcalf:

S.B. 873, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Thomas:

S.B. 874, A BILL TO BE ENTITLED AN ACT RELATING TO THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Thomas:

S.B. 875, A BILL TO BE ENTITLED AN ACT RELATING TO THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Thomas:

S.B. 876, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ATTENDANCE AT A DAY REPORTING CENTER BE A LEVEL ONE DISPOSITION FOR DELINQUENT JUVENILES.

Referred to **Judiciary II Committee**.

By Senator Thomas:

S.B. 877, A BILL TO BE ENTITLED AN ACT RELATING TO THE PUBLIC LAWS OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lucas:

S.B. 878, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Lucas; and Gulley:

S.B. 879, A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

Referred to **Education/Higher Education Committee**.

By Senators Soles; Hartsell, Reeves and Wellons:

S.B. 880, A BILL TO BE ENTITLED AN ACT TO OVERTURN THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND TO PROHIBIT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Referred to **Judiciary I Committee**.

By Senator Soles:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT IN THE COUNTY IN WHICH THE INJURY OCCURRED.

Referred to **Judiciary I Committee**.

By Senator Carpenter:

S.B. 882, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT.

Referred to **Commerce Committee**.

By Senators Clodfelter; Dannelly, Hagan, Hartsell, Hoyle, Odom, Purcell, Rand and Weinstein:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, GUBERNATORIAL APPOINTMENT, AND RETENTION BY VOTE OF THE PEOPLE.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:
S.B. 884, A BILL TO BE ENTITLED AN ACT RELATING TO THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:
S.B. 885, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS.
Referred to **Commerce Committee**.

By Senator Clodfelter:
S.B. 886, A BILL TO BE ENTITLED AN ACT RELATING TO THE PUBLIC LAWS OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Clodfelter; Dalton, Hagan, Hartsell, Odom and Rand:
S.B. 887, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW.
Referred to **Judiciary I Committee**.

By Senators Robinson; Harris, Hoyle, Rand, Warren, Weinstein and Wellons:
S.B. 888, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES, TO PROVIDE FOR A BEAR/WILD BOAR HUNTING LICENSE, AND TO MAKE OTHER CHANGES AFFECTING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION.
Referred to **Finance Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 779, AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:10 P.M.

FORTY-SECOND DAY

Senate Chamber
Thursday, April 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Creator God, it is spring in North Carolina! We are reminded that beauty is to our spirit what food is to our bodies. A glimpse of the dogwoods, azaleas, pear and cherry trees fills an emptiness in us like nothing else under the sun can. Unlike food, however, this beauty is something we can never get full of.

"The beauty of holiness is how the Psalms name it (Psalm 29:2) or as the deer longs for flowing streams, so our souls long for you (Psalm 42:1). Thank You for the beauty of spring in North Carolina, and our awareness that the earth is Yours, O God, and the fullness thereof. Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt and Senator Webster.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 4, 2001, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Vardaman Moore Buckalew from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR.

Referred to **Judiciary II Committee**.

H.B. 216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO SUBMIT A DRAFT PLAN AMENDMENT TO PROVIDE MEDICAID COVERAGE TO ADULT DAY HEALTH CARE SERVICES.

Referred to **Health Care Committee**.

H.B. 363, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

Referred to **State and Local Government Committee**.

H.B. 435, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR MOREHEAD SCHOOL TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE SCHOOL.

Referred to **Education/Higher Education Committee**.

H.B. 664, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF ROCKINGHAM.

Referred to **State and Local Government Committee**.

H.J.R. 680, A JOINT RESOLUTION HONORING THE MEMORY AND SERVICE OF DOG HANDLERS AND VISUAL TRACKERS KILLED DURING THE VIETNAM WAR AND RECOGNIZING THE SERVICE OF MILITARY DOGS DURING THAT WAR.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 682, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY.

Referred to **State and Local Government Committee**.

H.B. 695, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY ZONING.

Referred to **State and Local Government Committee**.

H.B. 696, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING.

Referred to **State and Local Government Committee**.

H.B. 740, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE SERVICES COMMISSION TO OPERATE THE SNACK BAR IN THE LEGISLATIVE OFFICE BUILDING.

Referred to **Rules Committee**.

H.B. 794, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM ACROSS THE RIGHT-OF-WAY OF A PUBLIC ROAD IN CALDWELL COUNTY FOR THE PURPOSE OF TARGET PRACTICE.

Referred to **State and Local Government Committee**.

S.B. 45 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION OF PUBLIC SCHOOL BUSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, April 9.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE BOUNDARY LINE BETWEEN THE TOWNS OF CAROLINA BEACH AND KURE BEACH BY REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CAROLINA BEACH AND ADDING THE PROPERTY TO THE LIMITS OF THE TOWN OF KURE BEACH, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of

Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 9, upon third reading.

S.B. 655, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COATS AND TO VALIDATE ACTIONS OF THE TOWN TAKEN WITH RESPECT TO THAT PROPERTY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 9, upon third reading.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 9, upon third reading.

S.B. 677, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WELDON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 9, upon third reading.

H.B. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore,

Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 9, upon third reading.

H.B. 77 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, April 9, upon third reading.

S.B. 401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

Senator Garrou offers Amendment No. 1.

Upon motion of Senator Horton, the Committee Substitute bill is temporarily displaced, with Amendment No. 1 pending.

S.B. 405, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 584, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 645, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 447, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS.

The bill passes its second and third readings and is ordered enrolled.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

With unanimous consent, upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 11.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3793 is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed on today's Calendar, upon second reading.

S.B. 535, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY OF CHARLOTTE'S AREAS OF SPHERE OF INFLUENCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7624, which changes the title to read **S.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF

"AMBULATORY SURGICAL FACILITY" BY REDUCING THE NUMBER OF REQUIRED OPERATING ROOMS FROM TWO TO ONE AND TO AMEND THE DEFINITION OF "NEW INSTITUTIONAL HEALTH SERVICE" BY INCLUDING CONSTRUCTION, DEVELOPMENT, ESTABLISHMENT, INCREASE IN NUMBER, OR RELOCATION OF AN OPERATING ROOM OR OPERATING ROOMS AND TO EXTEND THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN TO ALL OPERATING ROOMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6692, which changes the title to read **S.B. 714** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "AMBULATORY SURGICAL FACILITY" BY REDUCING THE NUMBER OF REQUIRED OPERATING ROOMS FROM TWO TO ONE AND TO AMEND THE DEFINITION OF "NEW INSTITUTIONAL HEALTH SERVICE" BY INCLUDING CONSTRUCTION, DEVELOPMENT, ESTABLISHMENT, INCREASE IN NUMBER, OR RELOCATION OF AN OPERATING ROOM OR OPERATING ROOMS AND TO EXTEND THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN TO ALL OPERATING ROOMS AND TO REPEAL S.L. 2000-135, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP AN INSTRUMENT FOR ASSESSING THE QUALITY OF CARE PROVIDED BY ADULT CARE HOMES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 206, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

The President orders, without objection, the bill temporarily displaced.

S.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS.

The Committee Substitute bill passes its second (47-0) and third readings and is

ordered sent to the House of Representatives.

S.B. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA BOARD OF PHARMACY FROM SIX TO NINE.

The Committee Substitute bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives.

S.B. 586, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 735, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 286 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF DISEASE REPORTING AND INVESTIGATION REQUIREMENTS TO ALL DIAGNOSTIC LABORATORIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 206, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Plyler, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 10.

The Chair grants a leave of absence for the remainder of today's session to Senator Ballance.

S.B. 401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, temporarily displaced earlier, with Amendment No. 1 pending.

Amendment No. 1 is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (45-1). Senator Garrou objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure to remain on the Calendar for Monday, April 9.

S.B. 25 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, placed on the Calendar earlier today, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford,

Soles, Swindell, Thomas, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 9, upon third reading.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS, temporarily displaced earlier.

Senator Wellons offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWALS FROM COMMITTEES

S.B. 556, A BILL TO BE ENTITLED AN ACT TO ALLOW MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO BE USED FOR PURPOSES ASSOCIATED WITH EMERGENCY RESPONSE, referred to the **Commerce Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

S.B. 589, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM, referred to the **Commerce Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Rand, seconded by Senator Weinstein, the Senate adjourns subject to introduction of bills, to meet Monday, April 9, at 7:00 P.M.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Reeves:

S.B. 889, A BILL TO BE ENTITLED AN ACT TO EXPAND THE RESEARCH AND DEVELOPMENT TAX CREDIT.

Referred to **Finance Committee**.

By Senators Hagan; Carpenter, Hoyle, Metcalf and Warren:

S.B. 890, A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

Referred to **Judiciary II Committee**.

By Senator Dalton:

S.B. 891, A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS.

Referred to **Finance Committee**.

By Senator Reeves:

S.B. 892, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ADOPTION OF ENTERPRISE-WIDE SECURITY AND ENCRYPTION STANDARDS FOR STATE GOVERNMENT INFORMATION TECHNOLOGY.

Referred to **Information Technology Committee**.

By Senators Weinstein; Carpenter, Garwood, Odom, Purcell, Rucho and Wellons:

S.B. 893, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO INCLUDE IRRIGATION CONTRACTORS UNDER THE LAWS REGULATING LANDSCAPE CONTRACTORS, TO ALLOW THE GENERAL ASSEMBLY TO APPOINT TWO OF THE NINE MEMBERS TO THE NORTH CAROLINA LANDSCAPE/IRRIGATION CONTRACTORS' LICENSING BOARD, AND TO AUTHORIZE THE BOARD TO INCREASE FEES.

Referred to **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Forrester; Dannelly, Moore and Purcell:

S.B. 894, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILD CARING INSTITUTIONS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Reeves:

S.B. 895, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL.

Referred to **Information Technology Committee**.

By Senators Martin of Guilford; and Dannelly:

S.B. 896, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON SUBSTANCE ABUSE AND CRIMINAL JUSTICE ISSUES AFFECTING YOUTH AND ADULTS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Weinstein; and Foxx:

S.B. 897, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COMMISSIONER OF LABOR TO ESTABLISH FEES RELATING TO ELEVATOR AND AMUSEMENT DEVICE INSPECTIONS AND CERTIFICATIONS.

Referred to **Finance Committee**.

By Senators Dalton, Carter, Lucas; Albertson, Cunningham, Dannelly, Garrou, Hagan,

Harris, Metcalf, Plyler, Robinson, Swindell, Thomas, and Wellons:

S.B. 898, A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

Referred to **Education/Higher Education Committee**.

By Senator Wellons:

S.B. 899, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIRS.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Reeves:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CRIMINAL JUSTICE INFORMATION NETWORK BOARD TO HIRE AN EXECUTIVE DIRECTOR; TO ESTABLISH THE BUDGET SUBCOMMITTEE OF THE BOARD; AND TO ESTABLISH THE CRIMINAL JUSTICE TECHNOLOGY FUND.

Referred to **Information Technology**.

By Senator Gulley:

S.B. 901, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDY OF DOT CASH MANAGEMENT.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Gulley:

S.B. 902, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 903, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EFFICIENCY STUDY OF THE DEPARTMENT OF TRANSPORTATION.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Gulley:

S.B. 904, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS CONCERNING THE LICENSURE OF MORTGAGE LENDERS AND BROKERS.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Plyler; Ballance, Clodfelter, Hagan, Hartsell, Hoyle, Kerr, Lee, Odom, Purcell, Rand, Reeves and Soles:

S.B. 905, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Rand:

S.B. 906, A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM

THE GENERAL ASSEMBLY BEFORE STATE AGENCIES MAY ENTER INTO INDEMNITY AGREEMENTS.

Referred to **Judiciary I Committee**.

By Senator Lee:

S.B. 907, A BILL TO BE ENTITLED AN ACT PROVIDING THAT ORGAN DONATION BY A DECEASED INDIVIDUAL IS PRESUMED UNDER CERTAIN CIRCUMSTANCES.

Referred to **Judiciary II Committee**.

By Senators Clodfelter; Lucas and Thomas:

S.B. 908, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGULATING GENERAL CONTRACTORS AND TO INCREASE THE LICENSURE REQUIREMENTS FOR RESIDENTIAL BUILDING CONTRACTORS.

Referred to **Judiciary I Committee**.

By Senators Rand; and Cunningham:

S.B. 909, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO REFUSE TO FILE FRAUDULENT CLAIMS OF LIENS RELATING TO IMPROVEMENTS TO REAL PROPERTY AND TO PROVIDE A MEANS TO CORRECT CLAIMS OF LIENS ON REAL PROPERTY THAT HAD BEEN FRAUDULENTLY FILED.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 910, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 911, A BILL TO BE ENTITLED AN ACT CONCERNING CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

Referred to **Judiciary I Committee**.

By Senators Rand; and Cunningham:

S.B. 912, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PENALTIES FOR FILING OR PERFECTING FALSE STATUTORY LIENS.

Referred to **Judiciary I Committee**.

By Senators Berger; Allran, Ballantine, Carpenter and Foxx:

S.B. 913, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

Referred to **Judiciary II Committee**.

By Senator Dalton:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS.

Referred to **Education/Higher Education Committee**.

By Senator Albertson:

S.B. 915, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE AGRICULTURAL FAIRS ADVISORY COUNCIL AND TO APPROPRIATE FUNDS FOR GRANTS FOR LOCAL AGRICULTURAL FAIRS.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 916, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR IMPROVEMENTS TO THE AGRONOMIC LABORATORY IN THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 917, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR ENVIRONMENTAL FARMING SYSTEMS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; and Wellons:

S.B. 918, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE KENLY TOBACCO FARM LIFE MUSEUM.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING MARINE FISHERIES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Albertson:

S.B. 920, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE OF NORTH CAROLINA.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Clodfelter:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Clodfelter:

S.B. 922, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING CONFLICTS OF INTEREST.

Referred to **Judiciary I Committee**.

By Senators Hartsell; and Clodfelter:

S.B. 923, A BILL TO BE ENTITLED AN ACT TO PHASE OUT THE COUNTY SHARE OF MEDICAID COST OVER FOUR YEARS AND TO COVER THE COST OF THE COUNTY SHARE BY PHASING OUT REIMBURSEMENTS TO COUNTIES OVER FOUR YEARS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Clodfelter; and Hartsell:

S.B. 924, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE COUNTERFEITING OF INSTRUMENTS.

Referred to **Judiciary I Committee**.

By Senators Rand; Cunningham, Dalton and Soles:

S.B. 925, A BILL TO BE ENTITLED AN ACT TO REQUIRE DNA TESTING OF DEFENDANT CHARGED WITH FIRST DEGREE MURDER FOR WHICH THE STATE SEEKS THE DEATH PENALTY.

Referred to **Judiciary I Committee**.

By Senator Ballantine:

S.B. 926, A BILL TO BE ENTITLED AN ACT TO ALLOW LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS TO DEFER HOMESTEAD PROPERTY TAXES.

Referred to **Finance Committee**.

By Senator Lucas:

S.B. 927, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAWS CONCERNING CHILDREN WITH DISABILITIES.

Referred to **Education/Higher Education Committee**.

By Senator Lucas:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF STATE-COUNTY SPECIAL ASSISTANCE FOR ALTERNATIVE LIVING ARRANGEMENTS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Lucas:

S.B. 929, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS AND TO MAKE THAT INCREASED APPROPRIATION A PART OF THE CURRENT OPERATIONS BUDGET.

Referred to **Appropriations/Base Budget Committee**.

By Senator Lucas:

S.B. 930, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ACADEMIC PERFORMANCE OF A STUDENT ATTENDING THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS SHALL BE CREDITED TO BOTH THE STUDENT'S HOME SCHOOL AND THE SCHOOL OF SCIENCE AND MATHEMATICS.

Referred to **Education/Higher Education Committee**.

By Senators Rand; Cunningham, Dalton and Soles:

S.B. 931, A BILL TO BE ENTITLED AN ACT TO REQUIRE A JUDGE TO CONDUCT OVERSIGHT OF THE DISCOVERY PROCESS IN A CAPITAL CASE TO ENSURE COMPLIANCE WITH CONSTITUTIONAL AND STATUTORY LAW.

Referred to **Judiciary I Committee**.

By Senator Rand; Cunningham, Dalton and Soles:

S.B. 932, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT CONVICTED OF FIRST DEGREE MURDER AND SENTENCED TO

DEATH MAY HAVE AN OPPORTUNITY FOR DNA TESTING IF RELEVANT TO THE DEFENDANT'S ASSERTION OF ACTUAL INNOCENCE.

Referred to **Judiciary I Committee**.

By Senators Harris, Lee, Carpenter, Dalton, Dannelly, Foxx, Garrou, Garwood, Hartsell, Lucas, Martin of Guilford, Moore, Purcell, Wellons; Berger, Bingham, Carter, Clodfelter, Cunningham, Hagan, Hartsell, Jordan, Kinnaird, Metcalf, Plyler, Rand, Robinson, Soles, Swindell, Thomas, Warren and Weinstein:

S.B. 933, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED TEACHERS AND PRINCIPALS TO RETURN TO THE PUBLIC SCHOOLS THE NEXT YEAR WITHOUT LOSING RETIREMENT BENEFITS.

Referred to **Education/Higher Education Committee**.

By Senator Wellons:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PUBLIC FINANCING OF CAMPAIGNS FOR APPELLATE JUDGES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Wellons:

S.B. 935, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE TIME OF APPOINTMENT OF COUNSEL FOR JUVENILES CHARGED WITH CERTAIN OFFENSES.

Referred to **Judiciary I Committee**.

By Senators Wellons, Jordan; and Carpenter:

S.B. 936, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING.

Referred to **Judiciary I Committee**.

By Senator Purcell:

S.B. 937, A BILL TO BE ENTITLED AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW.

Referred to **Health Care Committee**.

By Senators Foxx; Allran, Ballantine, Carpenter, Carrington, Forrester, Garrou, Garwood, Hagan, Kinnaird, Lucas, Metcalf, Moore, Rucho, Shaw of Cumberland, Webster and Weinstein:

S.B. 938, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON WHO IMPAIRS A VICTIM BY ADMINISTERING AN INTOXICANT, DRUG, DESIGNER DRUG, OR OTHER SUBSTANCE TO THE VICTIM WITHOUT THE VICTIM'S KNOWLEDGE AND THEN ENGAGES IN A SEX ACT WITH THE VICTIM IS GUILTY OF SECOND DEGREE RAPE OR SEXUAL OFFENSE AND TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, MANUFACTURE, OR DISTRIBUTE DESIGNER DRUGS.

Referred to **Judiciary II Committee**.

By Senators Odom; Albertson, Allran, Berger, Bingham, Carpenter, Carrington, Dalton, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Metcalf, Moore, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Guilford,

Soles, Webster, Weinstein and Wellons:

S.B. 939, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO HAVE MATERIALS POSTED TO EDUCATE STUDENTS ABOUT THE MORAL, ETHICAL, AND VIRTUOUS PRINCIPLES OF THE WORLD'S RELIGIONS AND THE GREAT PHILOSOPHERS OF CIVILIZATION.

Referred to **Education/Higher Education Committee**.

By Senator Clodfelter:

S.B. 940, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE AUTOMATIC TRIAL DE NOVO JURY TRIAL IN SUPERIOR COURT ON THE APPEAL OF CERTAIN MISDEMEANORS TRIED IN DISTRICT COURT, TO PROVIDE FOR A REFERENDUM TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT LAWS THAT PROVIDE THAT A PERSON CHARGED WITH A MISDEMEANOR OFFENSE MAY BE TRIED AND CONVICTED WITHOUT A JURY AND TO MAKE CONFORMING STATUTORY CHANGES.

Referred to **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 941, A BILL TO BE ENTITLED AN ACT EXEMPTING HOUSING AUTHORITIES FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

Referred to **Finance Committee**.

By Senators Carter; Garrou, Metcalf, Robinson, Weinstein and Wellons:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER LICENSE PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.

Referred to **Transportation Committee**.

By Senators Lee; Garwood and Jordan:

S.B. 943, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

By Senators Berger; Ballantine and Foxx:

S.B. 944, A BILL TO BE ENTITLED AN ACT TO ALLOW CALL CENTERS LOCATED IN ENTERPRISE TIER THREE AREAS TO BE ELIGIBLE FOR CREDITS UNDER THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

Referred to **Finance Committee**.

By Senators Dannelly; Albertson, Carter, Clodfelter, Cunningham, Dalton, Garwood, Hagan, Harris, Horton, Lee, Lucas, Martin of Guilford and Rand:

S.B. 945, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL FLEXIBILITY REGARDING THE USE OF STATE FUNDS FOR MENTOR TEACHERS.

Referred to **Education/Higher Education Committee**.

By Senator Rand:

S.B. 946, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS

REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO REQUIRE CRIMINAL RECORD CHECKS OF PERSONS APPLYING TO PRACTICE BARBERING IN THIS STATE, TO FIX SALARIES FOR BOARD EMPLOYEES, AND TO INCREASE FEES, AND ALLOWING THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL RECORD CHECKS OF APPLICANTS DESIRING TO PRACTICE BARBERING IN THIS STATE UPON THE BOARD'S REQUEST.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Dannelly; Albertson, Carter, Clodfelter, Dalton, Garwood, Hagan, Harris, Horton, Lee, Lucas, Martin of Guilford and Rand:

S.B. 947, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPEECH AND LANGUAGE PATHOLOGISTS IN THE PUBLIC SCHOOLS TO PARTICIPATE IN THE MENTOR PROGRAM IN THE SAME MANNER AS TEACHERS.

Referred to **Education/Higher Education Committee**.

By Senators Carter; and Metcalf:

S.B. 948, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES.

Referred to **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Ballance:

S.B. 949, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A DEMONSTRATION PROJECT FOR LOCAL CORE AND ESSENTIAL PUBLIC HEALTH SERVICES IN TIER ONE COUNTIES AND COUNTIES AFFILIATED WITH TIER ONE COUNTIES THROUGH DISTRICT HEALTH DEPARTMENTS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Odom; Kinnaird and Lucas:

S.B. 950, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO LEVY AN ADDITIONAL EXCISE TAX ON TRANSFERS OF REAL PROPERTY TO BE USED ONLY TO CONSERVE OPEN SPACE, FARMLAND, AND SURFACE WATERS; TO CREATE THE NORTH CAROLINA OPEN SPACE AND FARMLAND CONSERVATION TRUST FUND; AND TO INCREASE THE EXCISE TAX AND CREDIT THESE ADDITIONAL PROCEEDS TO THE NORTH CAROLINA OPEN SPACE AND FARMLAND CONSERVATION TRUST FUND.

Referred to **Finance Committee**.

By Senator Odom:

S.B. 951, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

Referred to **Judiciary II Committee**.

By Senator Odom:

S.B. 952, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY AND MAKE RECOMMENDATIONS ON THE ADOPTION OF THE REVISED UNIFORM ARBITRATION ACT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Odom:

S.B. 953, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF CORRUGATED CARDBOARD, CLEAN WOOD WASTE, AND WOODEN PALLETS IN LANDFILLS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Odom:

S.B. 954, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Odom:

S.B. 955, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Odom:

S.B. 956, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Odom; and Ballantine:

S.B. 957, A BILL TO BE ENTITLED AN ACT TO SET REQUIREMENTS FOR THE USE OF REAL PROPERTY AS COLLATERAL SECURITY FOR CRIMINAL APPEARANCE BONDS.

Referred to **Judiciary II Committee**.

By Senator Odom:

S.B. 958, A BILL TO BE ENTITLED AN ACT TO FUND A POSITION IN THE BROWNFIELDS PROGRAM TO FACILITATE AND EXPEDITE THE CLEANUP AND REUSE OF CONTAMINATED AND ABANDONED PROPERTIES THROUGHOUT THE STATE OF NORTH CAROLINA.

Referred to **Appropriations/Base Budget Committee**.

By Senator Lee:

S.B. 959, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO DROP

OR THROW AN OBJECT AT A MOTOR VEHICLE.
Referred to **Judiciary II Committee**.

By Senator Ballance:
S.B. 960, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT RACE-SPECIFIC DATA REPORTING BE ACCURATE.
Referred to **Judiciary II Committee**.

By Senator Ballance:
S.B. 961, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDED DRIVING WHILE LICENSE REVOKED FLEXIBILITY.
Referred to **Judiciary II Committee**.

By Senators Carter; Berger, Carpenter, Garrou, Garwood, Horton, Metcalf and Moore:
S.B. 962, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A BLUE RIDGE PARKWAY FOUNDATION SPECIAL REGISTRATION PLATE.
Referred to **Finance Committee**.

By Senator Ballance:
S.B. 963, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.
Referred to **Judiciary II Committee**.

By Senator Ballance:
S.B. 964, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COMPENSATION TO PERSONS ERRONEOUSLY CONVICTED IS LIMITED TO AN AWARD FOR PECUNIARY LOSS AND THAT THE IMPRISONMENT FOR WHICH COMPENSATION IS MADE INCLUDES TIME SERVED AWAITING TRIAL, AND TO INCREASE THE AMOUNT OF COMPENSATION ALLOWED FOR PERSONS ERRONEOUSLY CONVICTED.
Referred to **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton:
S.B. 965, A BILL TO BE ENTITLED AN ACT TO RESOLVE ANY CONTROVERSY BETWEEN THE TOWN OF CHAPEL HILL AND THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.
Referred to **Education/Higher Education Committee**.

By Senators Dalton, Garrou and Lucas:
S.B. 966, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BOARD OF EDUCATION AND BOARD OF GOVERNORS REPORTING REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT PROGRAMS, AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS REGARDING PROFESSIONAL DEVELOPMENT IN NORTH CAROLINA.
Referred to **Education/Higher Education Committee**.

By Senator Kerr:
S.B. 967, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND

ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW.
Referred to **Finance Committee**.

By Senator Kerr:
S.B. 968, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.
Referred to **Finance Committee**.

By Senator Kerr:
S.B. 969, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATE CONSTRUCTION STATUTES.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Kerr:
S.B. 970, A BILL TO BE ENTITLED AN ACT RELATING TO THE GRAPE GROWERS COUNCIL.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Kinnaird; Bingham, Carter, Clodfelter, Horton, Lee and Lucas:
S.B. 971, A BILL TO BE ENTITLED AN ACT REQUIRING NORTH CAROLINA UTILITIES SELLING ELECTRIC POWER TO OFFER NET METERING TO CUSTOMERS HAVING THEIR OWN ON-SITE, SMALL-SCALE, RENEWABLE-FUELED ELECTRIC GENERATING FACILITIES.
Referred to **Commerce Committee**.

By Senator Odom:
S.B. 972, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCRAP TIRE MANAGEMENT LAWS OF THE STATE.
Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Odom; and Kinnaird:
S.B. 973, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO SUPPORT THE ADMINISTRATION OF THE PETROLEUM UNDERGROUND STORAGE TANK PROGRAM.
Referred to **Appropriations/Base Budget Committee**.

By Senators Lee; Carter, Cunningham, Foxx, Garwood and Kinnaird:
S.B. 974, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PROJECTS FOR IMPROVEMENTS TO EXISTING FACILITIES FOR ENERGY EFFICIENCY RECEIVE THE HIGHEST LEVEL OF PRIORITY FOR USE OF FUNDS IN THE REPAIRS AND RENOVATIONS RESERVE ACCOUNT; TO ESTABLISH THE STATE FACILITIES ENERGY CONSERVATION PROGRAM; TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO ALTERNATIVE FINANCING AGREEMENTS FOR THE PURCHASE OF ENERGY CONSERVATION PROJECTS; TO AUTHORIZE THE ISSUANCE OF BONDS THAT ARE SECURED BY AN INTEREST IN THE PROPERTY PURCHASED; TO ALLOW STATE

DEPARTMENTS TO RETAIN YEAR-END REVERSIONS FOR A PERIOD OF FOUR YEARS TO IMPLEMENT OPERATION AND MAINTENANCE ENERGY CONSERVATION MEASURES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Lee; Jordan, Kinnaird and Lucas:

S.B. 975, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF A HEALTHY SCHOOLS PLAN IN EACH SCHOOL SYSTEM IN THE STATE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Soles, Weinstein; and Garwood:

S.B. 976, A BILL TO BE ENTITLED AN ACT AMENDING PROVISIONS OF THE STATE PERSONNEL ACT PERTAINING TO THE NUMBER AND THE APPEALS RIGHTS OF CERTAIN EXEMPT EMPLOYEES.

Referred to **Commerce Committee**.

By Senators Allran; Carpenter, Foxx, Garwood and Rand:

S.B. 977, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO REGULATE THE SALE OF KEGS OF MALT BEVERAGE.

Referred to **Commerce Committee**.

By Senators Allran; Albertson, Ballantine, Carpenter, Forrester, Garwood and Rucho:

S.B. 978, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF TRANSPORTATION FOR AN ANTI-LITTER EDUCATION PROGRAM AND TO CLEAN UP LITTER FROM THE STATE'S HIGHWAYS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Allran; Carpenter, Forrester, Foxx and Garwood:

S.B. 979, A BILL TO BE ENTITLED AN ACT TO CREATE THE INFRACTION OF LITTERING AND TO PROVIDE FOR A REFERENDUM TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT PENALTIES COLLECTED FOR LITTER INFRACTIONS SHALL BE USED FOR THE ENFORCEMENT OF LITTER LAWS AND TO CLEAN UP LITTER.

Referred to **Judiciary I Committee**.

By Senators Allran; Ballantine, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton and Webster:

S.B. 980, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COVERAGE FOR ABORTIONS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to **Children & Human Resources Committee**.

By Senators Allran; Carpenter, Foxx and Garwood:

S.B. 981, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CITATION MAY BE ISSUED FOR A LITTERING OFFENSE BASED ON THE AFFIDAVIT OF A WITNESS.

Referred to **Judiciary I Committee**.

By Senators Clodfelter; and Odom:

S.B. 982, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CREATION OF A JOINT INTERSTATE COMMISSION BETWEEN NORTH CAROLINA AND

SOUTH CAROLINA TO STUDY AND MAKE FOR INTEGRATED MANAGEMENT OF THE CATAWBA-WATEREE RIVER BASIN, TO INVITE THE STATE OF SOUTH CAROLINA TO JOIN THE COMMISSION, AND TO APPROPRIATE FUNDS FOR THE COMMISSION'S WORK.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Moore:

S.B. 983, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAROLINA'S NEW FOCUS ON POVERTY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Reeves:

S.B. 984, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION SHALL ASSESS THE PROBLEM OF SEDIMENTATION IN CERTAIN WATERS OF THE STATE, REVISE THE STORM WATER RULES AND PROGRAM TO ADDRESS MORE COMPLETELY THE INTERRELATIONSHIP BETWEEN SEDIMENTATION AND WATER QUALITY IN CERTAIN AREAS, AND SURVEY OTHER WATERS OF THE STATE TO ESTABLISH A HYDROGRAPHIC BASELINE.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Gulley; Kinnaird and Lucas:

S.B. 985, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE COMPENSATION COMMISSION TO PERIODICALLY REVIEW THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 986, A BILL TO BE ENTITLED AN ACT AUTHORIZING A REFERENDUM FOR THE ESTABLISHMENT OF AN EDUCATION LOTTERY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Rand:

S.B. 987, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISSEMINATION OF OBSCENITIES BY COMPUTER TRANSMISSION, TO INCREASE THE PENALTIES FOR CERTAIN CRIMINAL OFFENSES CONCERNING MINORS AND OBSCENITY, TO PROHIBIT THE USE OF STATE COMPUTERS TO ACCESS OBSCENITIES, TO REGULATE CERTAIN USES OF STATE COMPUTERS, TO REQUIRE THE INSTALLATION OF APPROPRIATE SOFTWARE ON CERTAIN COMPUTERS ACCESSIBLE TO THE PUBLIC OR THE USE OF OTHER APPROPRIATE MANAGEMENT SCHEMES TO SHIELD MINORS FROM OBSCENITIES TRANSMITTED BY COMPUTER, AND TO DIRECT THE DEPARTMENT OF JUSTICE TO A LIST OF ELECTRONIC SITES KNOWN TO CONTAIN CHILD PORNOGRAPHY AND TO FOCUS MORE OF ITS LAW ENFORCEMENT EFFORT, AS FEASIBLE, TO ENFORCING THE OBSCENITY LAWS.

Referred to **Judiciary I Committee**.

By Senator Purcell:

S.B. 988, A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE EMERGENCY MEDICAL SERVICES ACT OF 1973.

Referred to **Health Care Committee**.

By Senators Gulley and Wellons:

S.B. 989, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE STUDENTS, THEIR TEACHERS, AND THEIR PARENTS WITH CUSTOMIZED READING LISTS FOR STUDENTS BASED ON THE STUDENTS' PERFORMANCE ON STATEWIDE TESTS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Rand; Dannelly, Garrou, Hagan, Harris, Swindell, Thomas and Wellons:

S.B. 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

Referred to **Judiciary I Committee**.

By Senators Rand; Dannelly, Foxx, Garrou, Hagan, Harris, Swindell, Thomas and Wellons:

S.B. 991, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES OF PERSONAL PRIVACY PROTECTIONS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rand; Dannelly, Garrou, Hagan, Swindell, Thomas and Wellons:

S.B. 992, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INDIVIDUAL TO HAVE ACCESS TO PROTECTED HEALTH INFORMATION ABOUT THE INDIVIDUAL.

Referred to **Judiciary I Committee**.

By Senator Rand:

S.B. 993, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SALARY RESERVE REVISIONS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 994, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENABLE THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE.

Referred to **Appropriations/Base Budget Committee**.

By Senators Hagan; Martin of Guilford and Shaw of Guilford:

S.B. 995, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LEASE OF THE BUSINESS COURT FACILITY IN GUILFORD COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Garrou; Dalton, Hagan and Weinstein:

S.B. 996, A BILL TO BE ENTITLED AN ACT TO ADD A GROUND UPON WHICH TERMINATION OF PARENTAL RIGHTS MAY BE GRANTED.

Referred to **Judiciary II Committee**.

By Senators Hagan; and Martin of Guilford:

S.B. 997, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ANIMAL DISCOVERY PROJECT AT THE NATURAL SCIENCE CENTER OF GREENSBORO.

Referred to **Appropriations/Base Budget Committee**.

By Senator Carter:

S.B. 998, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE RATE FOR TRANSPORTATION FOR ADULT DAY CENTERS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Carter:

S.B. 999, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE MANAGEMENT OF STATE LAW ENFORCEMENT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Webster:

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND EXPEDITE CHILD SUPPORT PAYMENTS BY ENABLING AGREEMENTS TO USE CARD WITHDRAWAL ACCOUNTS WITH ACCOUNTABILITY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Gulley; Ballance, Dannelly, Kinnaird, Lucas, Miller, Rand and Reeves:

S.B. 1001, A BILL TO BE ENTITLED AN ACT TO ALLOW ZONING FOR INCLUSIONARY HOUSING.

Referred to **Judiciary I Committee**.

By Senators Gulley; Clodfelter and Kinnaird:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

Referred to **Judiciary I Committee**.

By Senators Gulley; Ballance, Cunningham, Dannelly, Lucas, Martin of Guilford and Wellons:

S.B. 1003, A BILL TO BE ENTITLED AN ACT TO RESTRICT TELEPHONE SOLICITATION TO THE HOURS BETWEEN 8:00 A.M. AND 6:00 P.M. AND TO INCREASE THE PENALTY FOR VIOLATION OF THE TELEPHONE SOLICITATION STATUTES.

Referred to **Commerce Committee**.

By Senator Rand:

S.B. 1004, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE.

Referred to **Judiciary I Committee**.

By Senators Plyler, Odom and Lee:

S.B. 1005, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Referred to **Appropriations/Base Budget Committee**.

By Senator Albertson:

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO AMEND THE BOARD OF COUNTY COMMISSIONERS' ROLE IN THE SELECTION AND DISCIPLINE OF A LOCAL HEALTH DIRECTOR.

Referred to **Health Care Committee**.

By Senator Albertson:

S.B. 1007, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE ENVIRONMENT.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Albertson; Carpenter, Kinnaird and Shaw of Guilford:

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO BAN VIDEO GAMING MACHINES IN SMALLER COUNTIES.

Referred to **Judiciary I Committee**.

By Senators Kinnaird; Lee and Lucas:

S.B. 1009, A BILL TO BE ENTITLED AN ACT TO ENSURE FAIR DEALING BETWEEN PRODUCERS OF AGRICULTURAL COMMODITIES AND THE CONTRACTORS FOR THESE COMMODITIES WHEN ENTERING INTO MARKETING OR PRODUCTION CONTRACTS.

Referred to **Commerce Committee**.

By Senators Clodfelter and Odom:

S.B. 1010, A BILL TO BE ENTITLED AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS.

Referred to **Finance Committee**.

By Senators Clodfelter; Ballantine, Dalton, Hoyle, Lucas, Odom, Plyler and Rand:

S.B. 1011, A BILL TO BE ENTITLED AN ACT TO EXPAND AND MAKE CONSISTENT THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ALLOW FOR RISK-BASED REMEDIAL ACTIONS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Foxx; Ballantine, Berger, Bingham, Carpenter, Forrester, Horton, Rucho, Shaw of Guilford and Webster:

S.B. 1012, A BILL TO BE ENTITLED AN ACT PROVIDING FOR BETTER GOVERNMENT SERVICES THROUGH AN EFFECTIVE, COORDINATED WORKFORCE DEVELOPMENT EFFORT AND BY ELIMINATING VACANT STATE GOVERNMENT POSITIONS.

Referred to **Appropriations/Base Budget Committee**.

By Senators Albertson; and Harris:

S.B. 1013, A BILL TO BE ENTITLED AN ACT TO PROVIDE MOTOR FUEL TAX REFUNDS FOR CERTAIN FARM VEHICLES.

Referred to **Finance Committee**.

By Senators Albertson; Allran, Carpenter, Martin of Guilford, Swindell and Wellons:

S.B. 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Rand:

S.B. 1015, A BILL TO BE ENTITLED AN ACT TO AMEND THE INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING ACT AND THE NORTH CAROLINA INDUSTRIAL AND POLLUTION CONTROL FACILITIES POOL

PROGRAM FINANCING ACT.
Referred to **Finance Committee**.

By Senator Carter:
S.B. 1016, A BILL TO BE ENTITLED AN ACT PERTAINING TO VISION EXAMINATIONS OF PUBLIC SCHOOL STUDENTS PRIOR TO PUBLIC SCHOOL ENROLLMENT.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Garwood; and Allran:
S.B. 1017, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL SUPPORT FOR INITIALLY LICENSED TEACHERS.
Referred to **Appropriations/Base Budget Committee**.

By Senators Hagan; and Martin of Guilford:
S.B. 1018, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN OUTDOOR EXHIBIT AND PROGRAM AREA AT THE GREENSBORO CHILDREN'S MUSEUM.
Referred to **Appropriations/Base Budget Committee**.

By Senators Hartsell, Clodfelter; and Carpenter:
S.B. 1019, A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.
Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Miller:
S.B. 1020, A BILL TO BE ENTITLED AN ACT TO INCREASE THE ENFORCEMENT OF GUN LAWS AT GUN SHOWS.
Referred to **Judiciary II Committee**.

By Senators Robinson and Carter:
S.B. 1021, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOSPITALS TO PROVIDE DATA ON THE NUMBER AND NATURE OF EMERGENCY ROOM VISITS FOR SYMPTOMS OF RESPIRATORY DISTRESS.
Referred to **Health Care Committee**.

By Senators Robinson and Carter:
S.B. 1022, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE.
Referred to **Rules and Operations of the Senate Committee**.

By Senators Hagan; Dalton, Hartsell and Reeves:
S.B. 1023, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT.
Referred to **Judiciary II Committee**.

By Senator Carter:
S.B. 1024, A BILL TO BE ENTITLED AN ACT TO AMEND THE MANNER IN

WHICH MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ARE APPOINTED.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Carter:

S.B. 1025, A BILL TO BE ENTITLED AN ACT TO COORDINATE SERVICES PROVIDED BY STATE AGENCIES TO JUVENILES AT RISK OF BECOMING UNDISCIPLINED OR DELINQUENT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 1026, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 1027, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Lee:

S.B. 1028, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM AUTHORIZING A BOARDING SCHOOL TO OPERATE AS A CHARTER SCHOOL.

Referred to **Education/Higher Education Committee**.

By Senators Garrou; Bingham, Carter, Harris, Lee and Odom:

S.B. 1029, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS TO COMPETITIVELY BID ALL CONTRACTS FOR FOOD AND BEVERAGE SERVICES UNDER THE LAWS RELATING TO FOOD SERVICE IN PUBLIC SCHOOLS AND AUTHORIZING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES TO IMPLEMENT THE COMPETITIVE BIDDING PROCESS.

Referred to **Commerce Committee**.

By Senators Garrou; Carter, Clodfelter, Dalton, Hagan, Harris, Kerr, Metcalf, Odom and Weinstein:

S.B. 1030, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES FOR SUPPORTERS OF AUDUBON NORTH CAROLINA.

Referred to **Finance Committee**.

By Senators Carter; Metcalf and Robinson:

S.B. 1031, A BILL TO BE ENTITLED AN ACT TO DIRECT THE SENATE SELECT COMMITTEE ON MOUNTAIN AIR QUALITY TO STUDY THE USE OF TAX INCENTIVES AND TO PROMOTE THE IMPROVEMENT OF MOUNTAIN AIR QUALITY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Lee; Garrou, Harris and Reeves:

S.B. 1032, A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO IMPLEMENT POLICIES TO PROTECT MINORS FROM

OBSCENE MATERIAL OR MATERIAL HARMFUL TO MINORS THROUGH USE OF THE INTERNET.

Referred to **Judiciary II Committee**.

By Senator Albertson:

S.B. 1033, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON THE CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO PLAN THE DEVELOPMENT OF MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Odom:

S.B. 1034, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Ballance:

S.B. 1035, A BILL TO BE ENTITLED AN ACT CREATING THE LIVING INCOME STUDY COMMISSION AND APPROPRIATING FUNDS FOR THE WORK OF THE COMMISSION.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hoyle, Rand, Kerr, Foxx; and Berger:

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.

Referred to **Judiciary I Committee**.

By Senator Hoyle:

S.B. 1037, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EVENT THAT TRIGGERS THE REQUIREMENT TO OBTAIN AN AIR QUALITY PERMIT AND TO PREVENT A PERMIT APPLICANT'S OR A PERMITTEE'S FINANCIAL INVESTMENT IN SUCH FACILITY OR EQUIPMENT FROM BEING USED AS THE BASIS FOR CHALLENGING THE DECISION ON WHETHER TO ISSUE THE PERMIT IN A CONTESTED CASE REGARDING THE APPLICANT OR PERMITTEE OPERATING ITS FACILITY OR EQUIPMENT PRIOR TO OBTAINING THE PERMIT.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senator Hoyle:

S.B. 1038, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD CONSTRUCTION WHEN SIXTY PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 1039, A BILL TO BE ENTITLED AN ACT TO PROMOTE JOB GROWTH AND CAPITAL FORMATION.

Referred to **Finance Committee**.

By Senator Hoyle:

S.B. 1040, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY STATE-OWNED AIRCRAFT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1041, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO STUDY AND REPORT ON THE USE OF TECHNOLOGY TO ALLOW MERCHANTS TO SCAN DRIVERS LICENSES.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1042, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE PURPOSE OF CONDUCTING AND PROMOTING HOSPITALITY AND TOURISM JOB TRAINING PROGRAMS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Hoyle:

S.B. 1043, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF GARNISHMENT FOR PURPOSES OF COLLECTING COMMERCIAL DEBT.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Hoyle; Berger, Cunningham, Garwood, Kerr and Rucho:

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF DECEMBER 31, 2001, WITH CERTAIN EXCEPTIONS; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES.

Referred to **Insurance and Consumer Protection Committee**.

By Senator Hoyle:

S.B. 1045, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

Referred to **Finance Committee**.

By Senators Robinson, Carter and Metcalf:

S.B. 1046, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Robinson, Carter and Metcalf:

S.B. 1047, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Garrou; Allran, Carter, Cunningham, Dalton, Dannelly, Foxx, Gulley, Hagan, Metcalf, Odom, Plyler, Reeves, Robinson, Soles, Swindell, Thomas, Weinstein and Wellons:

S.B. 1048, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGARDING COMPUTER-RELATED CRIME AND IDENTITY FRAUD, CREATE

THE CRIMINAL OFFENSE OF LARCENY OF INTELLECTUAL PROPERTY, AND PROVIDE THAT A MINOR WHO IS A FIRST-TIME OFFENDER CHARGED WITH CERTAIN OFFENSES IS ELIGIBLE FOR DEFERRED PROSECUTION.

Referred to **Judiciary II Committee**.

By Senators Metcalf; Dannelly, Hagan, Harris, Rand and Wellons:

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO CREATE THE DISCOUNT CARD PRIVACY PROTECTION ACT.

Referred to **Commerce Committee**.

By Senators Metcalf; Clodfelter and Garwood:

S.B. 1050, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX INCENTIVES FOR CAPITAL TOURISM PROJECTS IN TIER ONE, TWO, AND THREE COUNTIES, AND TO CREATE THE TRAVEL AND TOURISM CAPITAL INCENTIVE GRANT PROGRAM.

Referred to **Finance Committee**.

By Senator Ballance:

S.B. 1051, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL JUSTICE LAWS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Guilford:

S.B. 1052, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SOCIAL SERVICES COMMISSION TO WAIVE THE WAITING PERIOD FOR CERTAIN INDIVIDUALS TO REAPPLY FOR CASH ASSISTANCE UNDER THE STANDARD WORK FIRST PROGRAM.

Referred to **Children & Human Resources Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Carter; Cunningham, Garrou, Kinnaird, Miller, Reeves and Weinstein:

S.B. 1053, A BILL TO BE ENTITLED AN ACT PROVIDING NONLICENSED EMPLOYEES OF LOCAL SCHOOL BOARDS WITH COVERAGE UNDER THE STATE PERSONNEL ACT THAT IS SIMILAR TO THE COVERAGE OF OTHER LOCAL EMPLOYEES.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Gulley; Ballance, Carpenter, Carter, Clodfelter, Hagan, Hartsell, Horton, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Purcell, Reeves, Shaw of Cumberland and Thomas:

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PHASE IN A VOLUNTARY PROGRAM THAT GIVES CANDIDATES FOR CERTAIN ELECTIVE OFFICES THE OPTION OF CHOOSING TO FINANCE THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY FUND-RAISING AND SPENDING LIMITS.

Referred to **Judiciary I Committee**.

By Senator Horton:

S.B. 1055, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CERTIFICATE OF NEED LAW.

Referred to **Health Care Committee**.

By Senators Hagan; Cunningham, Garrou, Garwood, Jordan, Martin of Guilford, Metcalf, Miller, Purcell, Reeves and Shaw of Cumberland:

S.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES.

Referred to **Finance Committee**.

By Senators Hagan; Clodfelter, Foxx, Garrou, Kinnaird and Lucas:

S.B. 1057, A BILL TO BE ENTITLED AN ACT PROHIBITING THE ASSESSMENT OF COURT COSTS AS RELATED TO PROTECTIVE ORDERS IN DOMESTIC VIOLENCE CASES, AMENDING THE LAWS RELATING TO DOMESTIC VIOLENCE, AND ESTABLISHING AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL OFFENSES, AND STALKING.

Referred to **Judiciary II Committee**.

By Senator Kerr:

S.B. 1058, A BILL TO BE ENTITLED AN ACT TO PROVIDE CORPORATE INCOME TAX ADJUSTMENTS FOR CERTAIN TRANSACTIONS PERTAINING TO RELATED MEMBERS.

Referred to **Finance Committee**.

By Senator Metcalf:

S.B. 1059, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CONTRACTOR UNDER THE LAWS RELATING TO PUBLIC CONTRACTS.

Referred to **Commerce Committee**.

By Senator Metcalf:

S.B. 1060, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WORLD TRADE CENTER NORTH CAROLINA TO SUPPORT INTERNATIONAL TRADE EDUCATION PROGRAMS FOR SMALL AND MEDIUM-SIZED BUSINESSES IN THE STATE.

Referred to **Appropriations/Base Budget Committee**.

By Senator Metcalf:

S.B. 1061, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TYPE OF SUBSIDIARY ORGANIZATION THAT AN ELECTRIC MEMBERSHIP CORPORATION MAY ACQUIRE AN INTEREST IN AS AN EXISTING BUSINESS ENTITY.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Metcalf:

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES.

Referred to **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Purcell:

S.B. 1063, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES.

Referred to **Health Care Committee**.

By Senator Soles:

S.B. 1064, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA MORTGAGE LENDING ACT.

Referred to **Commerce Committee**.

By Senator Hoyle:

S.B. 1065, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE OPERATIONS OF ALL STATE-OWNED AIRCRAFT.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Hoyle:

S.B. 1066, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

Referred to **Commerce Committee**.

By Senator Ballance:

S.B. 1067, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF PHYSICIAN MEMBERS OF THE NORTH CAROLINA MEDICAL BOARD.

Referred to **Health Care Committee**.

By Senator Garrou:

S.B. 1068, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE UNIVERSITY OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Wellons; Carter, Clodfelter, Dannelly, Garrou, Lucas and Martin of Guilford:

S.B. 1069, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME LIMITATION ON FILING A PETITION IN CONTESTED CASES WHEN THE SUBJECT MATTER OF THE HEARING IS PROGRAMS AND SERVICES FOR CHILDREN WITH SPECIAL NEEDS.

Referred to **Judiciary I Committee**.

By Senators Hagan; Miller and Reeves:

S.B. 1070, A BILL TO BE ENTITLED AN ACT ESTABLISHING A DISPUTE RESOLUTION PROCEDURE TO ASSIST THE OFFICE OF INFORMATION TECHNOLOGY IN THE COLLECTION OF FEES RELATED TO INFORMATION TECHNOLOGY SERVICES PROVIDED BY THE OFFICE.

Referred to **Information Technology Committee**.

By Senators Hagan; Dalton, Hartsell, Horton, Kinnaird, Lucas, Odom, Rand, Reeves and Soles:

S.B. 1071, A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF SECRECY ORDERS AND AGREEMENTS IN CERTAIN CIVIL ACTIONS.

Referred to **Judiciary II Committee**.

By Senator Miller:

S.B. 1072, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MENTAL HEALTH PRACTITIONER LICENSING ACT.

Referred to **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Martin of Pitt:

S.B. 1073, A BILL TO BE ENTITLED AN ACT TO STUDY THE FEASIBILITY OF ESTABLISHING A SCHOOL OF ENGINEERING AT EAST CAROLINA UNIVERSITY AND TO APPROPRIATE FUNDS FOR THAT STUDY.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rucho; Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Martin of Guilford, Metcalf, Miller, Odom, Rand, Reeves, Robinson, Shaw of Guilford, Swindell, Thomas, Warren, Webster and Weinstein:

S.J.R. 1074, A JOINT RESOLUTION PROVIDING FOR A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION ON THE PRESCRIPTION OF RITALIN AND OTHER DRUGS TO CHILDREN DIAGNOSED ADD/ADDH.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Rucho, Purcell, Forrester; Ballantine and Odom:

S.B. 1075, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT.

Referred to **Health Care Committee**.

By Senators Lee; Clodfelter, Dalton, Dannelly, Garrou, Garwood, Jordan, Kinnaird, Lucas and Reeves:

S.B. 1076, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA HIGH PRIORITY SCHOOL ASSISTANCE AND ACCOUNTABILITY ACT OF 2001.

Referred to **Appropriations/Base Budget Committee**.

By Senators Lee; Carter, Garwood and Kinnaird:

S.B. 1077, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

Referred to **Commerce Committee**.

By Senators Metcalf, Carter; Albertson, Allran, Ballance, Ballantine, Berger, Carpenter, Clodfelter, Cunningham, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Miller, Odom, Purcell, Rand, Reeves, Rucho, Weinstein and Wellons:

S.B. 1078, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN

THE STATE BY REQUIRING REDUCTIONS IN THE EMISSIONS OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY.

Referred to **Agriculture/Environment/Natural Resources Committee**.

By Senators Metcalf; Carter, Miller, Reeves, Weinstein and Wellons:

S.B. 1079, A BILL TO BE ENTITLED AN ACT REMOVING THE CAP ON THE MAXIMUM LIFETIME BENEFIT ALLOWED PARTICIPANTS IN THE STATE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Referred to **Insurance and Consumer Protection Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Metcalf; Clodfelter, Cunningham, Lee, Odom and Reeves:

S.B. 1080, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE NORTH CAROLINA PROGRESS BOARD.

Referred to **Commerce Committee**.

By Senator Harris:

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS AT AN EMPLOYEE OF A DETENTION FACILITY WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

Referred to **Judiciary I Committee**.

By Senators Reeves; Horton, Rand and Wellons:

S.B. 1082, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NORTH CAROLINA PORTRAIT GALLERY.

Referred to **Appropriations/Base Budget Committee**.

By Senator Berger:

S.B. 1083, A BILL TO BE ENTITLED AN ACT TO PROVIDE EFFECTIVE CONSCIENCE PROTECTION IN THE INSURANCE LAW PERTAINING TO COVERAGE FOR PRESCRIPTION CONTRACEPTIVE DRUGS OR DEVICES AND FOR OUTPATIENT CONTRACEPTIVE SERVICES.

Referred to **Children & Human Resources Committee**.

By Senators Berger and Foxx:

S.B. 1084, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA RATE BUREAU TO REVISE AND REFILE A CLASSIFICATION PLAN FOR LOSS MODIFICATIONS IN WORKERS' COMPENSATION INSURANCE AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WORKERS' COMPENSATION INSURANCE CLASSIFICATIONS, INCLUDING THE DEVELOPMENT AND IMPLEMENTATION OF LOSS MODIFICATIONS.

Referred to **Rules and Operations of the Senate Committee**.

By Senators Berger; and Foxx:

S.B. 1085, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A WELLNESS CENTER IN ALLEGHANY COUNTY.

Referred to **Appropriations/Base Budget Committee**.

By Senators Wellons; Berger, Harris, Kerr, Lucas, Rucho, Shaw of Cumberland, Thomas and Weinstein:

S.B. 1086, A BILL TO BE ENTITLED AN ACT TO ENHANCE FAIRNESS IN AGRICULTURAL CONTRACTS.

Referred to **Commerce Committee**.

By Senators Wellons; Ballance, Kerr, Swindell and Thomas:

S.B. 1087, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL STEP IN LONGEVITY PAY AFTER TWENTY-FIVE YEARS OF SERVICE FOR SUPREME COURT JUSTICES, COURT OF APPEALS JUDGES, SUPERIOR COURT JUDGES, DISTRICT COURT JUDGES, AND CLERKS OF SUPERIOR COURT.

Referred to **Appropriations/Base Budget Committee**.

By Senators Clodfelter; Ballance, Dannelly, Gulley, Hartsell, Kinnaird, Lucas, Miller, Reeves and Martin of Guilford:

S.B. 1088, A BILL TO BE ENTITLED AN ACT TO CREATE AN EARNED INCOME TAX CREDIT, PHASE OUT THE REMAINING SALES TAX ON FOOD, REDUCE THE MARRIAGE TAX PENALTY, EXPAND THE PROPERTY TAX HOMESTEAD EXEMPTION, PROVIDE ADDITIONAL SALES TAX REVENUE FOR LOCAL GOVERNMENTS, AUTHORIZE ADDITIONAL REVENUE OPTIONS FOR LOCAL GOVERNMENTS, AND REPEAL CERTAIN REIMBURSEMENTS FOR REPEALED TAXES.

Referred to **Finance Committee**.

By Senator Miller:

S.B. 1089, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE OFFICE OF INFORMATION TECHNOLOGY SERVICES TO CHARGE INTEREST FOR PAST-DUE ACCOUNTS RECEIVABLE OWED TO THE OFFICE BY STATE AGENCIES.

Referred to **Information Technology Committee**.

By Senator Miller:

S.B. 1090, A BILL TO BE ENTITLED AN ACT CLARIFYING STATE EMPLOYEES' ELIGIBILITY FOR FAMILY AND MEDICAL LEAVE BENEFITS.

Referred to **Appropriations/Base Budget Committee**.

By Senator Miller:

S.B. 1091, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.

Referred to **Judiciary II Committee**.

By Senator Miller:

S.B. 1092, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING REDISTRICTING LITIGATION.

Referred to **Redistricting Committee**.

By Senator Ballantine:

S.B. 1093, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LEGISLATIVE DISTRICTS AND TO APPORTION SEATS AMONG DISTRICTS.

Referred to **Rules and Operations of the Senate Committee**.

By Senator Ballantine:

S.B. 1094, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA

INTO THIRTEEN CONGRESSIONAL DISTRICTS.
Referred to **Rules and Operations of the Senate Committee**.

By Senator Martin of Guilford:
S.B. 1095, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MATERNAL OUTREACH PROGRAM.
Referred to **Appropriations/Base Budget Committee**.

By Senators Reeves; and Gulley:
S.B. 1096, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ADOPTION OF ENTERPRISE-WIDE SECURITY AND ENCRYPTION STANDARDS FOR STATE GOVERNMENT INFORMATION TECHNOLOGY.
Referred to **Information Technology Committee**.

By Senator Miller:
S.B. 1097, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE STORAGE OF FIREARMS TO PROTECT MINORS.
Referred to **Judiciary II Committee**.

By Senator Miller:
S.B. 1098, A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40.
Referred to **Judiciary II Committee**.

By Senator Hagan:
S.B. 1099, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING THE PARENTAL SAVINGS TRUST FUND AND COLLEGE INVESTMENTS.
Referred to **Finance Committee**.

By Senators Ballance and Kerr; and Dannelly:
S.B. 1100, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO REVIEW THE STATE'S STRUCTURED SENTENCING LAWS, ASSESS THE EFFECT OF THE CURRENT SENTENCING STRUCTURES ON THE DEPARTMENT OF CORRECTION AND LOCAL CONFINEMENT FACILITIES BOTH IN TERMS OF FISCAL IMPACT AND ON INMATE POPULATION, AND MAKE RECOMMENDATIONS REGARDING THE STATE'S STRUCTURED SENTENCING LAWS THAT APPROPRIATELY PENALIZE FOR THE NATURE AND DEGREE OF HARM LIKELY TO BE CAUSED BY AN OFFENSE BUT THAT ALSO ADDRESS THE GROWING INMATE POPULATIONS IN STATE AND LOCAL FACILITIES THAT WILL SOON EXCEED STANDARD OPERATING CAPACITY.
Referred to **Rules and Operations of the Senate Committee**.

ADDITIONAL SPONSOR

Senator Dannelly requests to be added as a sponsor of previously introduced legislation:

S.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES.

Pursuant to Senator Rand's motion to adjourn having prevailed, the Senate adjourns at 1:03 P.M.

FORTY-THIRD DAY

Senate Chamber
Monday, April 9, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, holy scripture says that to those of us who believe in you, that the works you do we shall do also, and even greater works shall we do! To do greater works than you? Such a thought would be totally presumptuous if it were not written in scripture as truth and encouragement.

"Embracing both, enable the Senators and staff this week to do more and be more than they could ever think of imagine. Dwell within them that they may do your work and your will in this place. Amen."

The Chair grants leaves of absence for tonight to Senator Gulley, Senator Martin of Pitt and Senator Reeves.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. William Weston Hedrick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Jennifer Slepin from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE ELECTION LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8627 is adopted and engrossed.

S.B. 17, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6695 is adopted and engrossed.

S.B. 739, A BILL TO BE ENTITLED AN ACT TO EXTENT PRIVILEGE COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES AND LICENSED CLINICAL SOCIAL WORKERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3795, which changes the title to read **S.B. 739** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND PRIVILEGED COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES AND LICENSED CLINICAL SOCIAL WORKERS, is adopted and engrossed.

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 650, A BILL TO BE ENTITLED AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY, with a favorable report.

By Senator Purcell for the **Health Care Committee**:

S.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8625 is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 18, AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE.

H.B. 286, AN ACT TO CLARIFY THE APPLICABILITY OF DISEASE REPORTING AND INVESTIGATION REQUIREMENTS TO ALL DIAGNOSTIC LABORATORIES.

And the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 447, AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 779, AN ACT TO STRENGTHEN THE STATE VETERINARIAN'S AUTHORITY TO PREVENT AND CONTROL AN OUTBREAK OF FOOT AND MOUTH DISEASE AND ANY OTHER CONTAGIOUS ANIMAL DISEASE AND TO MAKE OTHER TECHNICAL AND CONFORMING CHANGES. (Became law upon approval of the Governor, April 4, 2001–S.L. 2001-12).

S.B. 85, AN ACT TO DIRECT THE DEPARTMENT OF COMMERCE TO ENCOURAGE NORTH CAROLINA BUSINESSES TO SEEK FEDERAL CONTRACTS WITH THE DEPARTMENT OF DEFENSE AND TO COLLABORATE WITH OTHER GOVERNMENT AND NONPROFIT ENTITIES TO DEVELOP A PLAN TO EFFECTIVELY PROMOTE AND MARKET THE DEPARTMENT OF DEFENSE AS AN INDUSTRY IN THIS STATE. (Became law upon approval of the Governor, April 4, 2001–S.L. 2001-13).

H.B. 183, AN ACT TO ALLOW EMERGENCY SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES. (Became law upon approval of the Governor, April 4, 2001–S.L. 2001-14).

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills and a resolution are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 109, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY.
Referred to **Appropriations/Base Budget Committee**.

H.B. 387 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSURE AND DEFINITION OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS.
Referred to **Children and Human Resources Committee**.

H.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO ESTABLISH NEW FEES AND INCREASE CERTAIN CURRENT FEES AND AMENDING CERTAIN PROVISIONS UNDER THE ELECTROLYSIS PRACTICE ACT RELATING TO FEES.
Referred to the **Finance Committee**.

H.B. 555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK TAKE" PROCEDURE.
Referred to **Finance Committee**.

H.B. 598 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT COUNTIES AND MUNICIPALITIES MAY ONLY ENTER INTO CONTRACTS WITH PRIVATELY EMPLOYED INDIVIDUALS OR THEIR EMPLOYERS FOR BUILDING INSPECTION SERVICES FOR SPECIFICALLY DESIGNATED PROJECTS.
Referred to **Commerce Committee**.

H.J.R. 746, A JOINT RESOLUTION HONORING THE MEMORY OF MRS. FRANK WOODS, MRS. HUNDLEY GOVER, MRS. W. STEWART PEERY, MRS. WILLIAM H. MEANOR, MRS. BRUCE A. BEERY, AND MRS. LEE A. THORNBURG, FORMER PRESIDENTS OF THE CHARLOTTE SYMPHONY GUILD UPON THE GUILD'S FIFTIETH ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

S.B. 118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, April 10.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time as follows:

House of Representatives
April 5, 2001

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that pursuant to HR 542, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected the following persons to serve for four-year terms ending June 30, 2005:

AT-LARGE CATEGORY (6 Seats to Fill)

Mr. Bradley T. Adcock
Mr. Dudley E. Flood
Mr. H. Frank Grainger
Mr. James G. Babb
Mr. Robert F. Warwick
Mr. Charles H. Mercer, Jr.

POLITICAL MINORITY PARTY CATEGORY (2 Seats to Fill)

Mr. John F.A.V. Cecil
Mr. Craig Souza

MINORITY RACE CATEGORY (1 Seat to Fill) for the remainder of the unexpired

term ending on June 30, 2003.

Ms. Gladys Ashe Robinson

Respectfully,
S/Denise Weeks
Principal Clerk

RESOLUTION FROM ANOTHER STATE

The following resolution received from another State is presented to the Senate and ordered filed in the Office of the Principal Clerk (*See Appendix.*):

State of North Dakota Legislative Assembly Senate Concurrent Resolution No. 4028, A concurrent resolution rescinding all applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to the terms of Article V of the United States Constitution for proposing amendments to that Constitution and urging the legislative bodies in other states to take similar action.

WITHDRAWALS FROM COMMITTEES

S.B. 631, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee**.

S.B. 353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS AND TO MODIFY THE FEE FOR FEDERAL SETOFF OF STATE TAX DEBTS, referred to the **Appropriations/Base Budget Committee** on March 15.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 77 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, upon third reading.

With unanimous consent, upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, April 10.

S.B. 401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

With unanimous consent, upon motion of Senator Horton, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, April 10.

S.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE BOUNDARY LINE BETWEEN THE TOWNS OF CAROLINA BEACH AND KURE BEACH BY REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CAROLINA BEACH AND ADDING THE PROPERTY TO THE LIMITS OF THE TOWN OF KURE BEACH, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 655, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COATS AND TO VALIDATE ACTIONS OF THE TOWN TAKEN WITH RESPECT TO THAT PROPERTY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 677, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED

PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WELDON, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 6 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 25 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "AMBULATORY SURGICAL FACILITY" BY REDUCING THE NUMBER OF REQUIRED OPERATING ROOMS FROM TWO TO ONE AND TO AMEND THE DEFINITION OF "NEW INSTITUTIONAL HEALTH SERVICE" BY INCLUDING CONSTRUCTION, DEVELOPMENT, ESTABLISHMENT, INCREASE IN NUMBER, OR RELOCATION OF AN OPERATING ROOM OR OPERATING ROOMS AND TO EXTEND THE DETERMINATIVE EFFECT OF THE STATE

MEDICAL FACILITIES PLAN TO ALL OPERATING ROOMS AND TO REPEAL S.L. 2000-135.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 45 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION OF PUBLIC SCHOOL BUSES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

S.B. 278, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF OFFENSES INVOLVING THE THEFT OF GASOLINE OR MOTOR FUELS SHALL HAVE THEIR DRIVERS LICENSES SUSPENDED OR REVOKED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2639, which changes the title to read **S.B. 278** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED, is adopted and engrossed.

S.B. 685, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3796 is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substiute bill is re-referred to the **Finance Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Christopher B. Albert, Raleigh; Amanda Albertson, Fayetteville; Lauren Albertson, Fayetteville; Ann King Ansley, Sanford; Brandon Carmichael, Raleigh; Christopher Lee Dionne, Raleigh; Douglas Martin Gay, Jr., Sanford; Dara Gould, Cary; James Hollifield, Lincolnton; Tuschia Inga Hunter, Chapel Hill; Jessica Knowles, Mt. Olive; Lucas James McKay, Raleigh; Matthew Cooper O'Bryant, Raleigh; Haley Van Lauren Peacock, Dudley; Robin Lear Peacock, Dudley; William A. Pully, Raleigh; Emily Morgan Rush, Sanford; Ellen Stanley, Chapel Hill; Chadwick Miles Williams, Greensboro; Megan Wohlgenant, Holly Springs; and Barton H. Womack, Jamestown.

ADDITIONAL SPONSOR

Senator Odom requests to be added as a sponsor of previously introduced legislation:

S.B. 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

Upon motion of Senator Ballance, seconded by Senator Purcell, the Senate adjourns at 7:34 P.M., subject to introduction of bills, to meet tomorrow, Tuesday, April 10, at 3:00 P.M.

FORTY-FOURTH DAY

Senate Chamber
Tuesday, April 10, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, each day now, the Senators will grapple with a number of troubling questions attached to certain bills that must be debated. Give them clear heads and common sense. As long as we are on earth, we will have to deal with questions that have complicated answers.

"What we cannot understand may we commit to you, for within your eternal being lies the answers to all things. So guide us day by day with the light of your spirit that we may have complete trust in your Providence. Amen."

The President of the Senate extends courtesies of the floor to Dr. John Peter Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Ed Kirkpatrick from Kinston, North Carolina, who is serving the Senate as Nurse of the Day.

The Chair grants a leave of absence for today to Senator Martin of Pitt, Senator Shaw of Cumberland, Senator Warren and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 45, AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION OF PUBLIC SCHOOL BUSES.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 6, AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 447, AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF NORWOOD AND STAGGERING THOSE TERMS. (Became law upon ratification, April 9, 2001–S.L. 2001-15).

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2659 is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 306, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES, with a favorable report.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 12.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 398, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP

UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with a favorable report.

S.B. 573, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND, with a favorable report.

S.B. 885, A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3798 is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 241, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4618 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 262 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR INTERMENT IN A STATE VETERANS CEMETERY.

Referred to **Commerce Committee**.

H.B. 274 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN STATUTORY TERMS AND REFERENCES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Referred to **Judiciary II Committee**.

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM.

Referred to **Commerce Committee**.

H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

Referred to **Commerce Committee**.

H.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND

THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 558 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REAL ESTATE COMMISSION TO ADOPT RULES TO PERMIT REAL ESTATE BROKERS TO PAY TRAVEL AGENTS FOR PROCURING POTENTIAL TENANTS IN VACATION RENTALS.

Referred to **Commerce Committee**.

H.B. 593, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS.

Referred to **Insurance and Consumer Protection Committee**.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS.

Referred to **Judiciary II Committee**.

H.B. 700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE THE NAME ON THE NOTARY SEAL DOES NOT COMPORT EXACTLY WITH THE NAME ON THE NOTARY COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF AN ACCESSIBLE CLEANOUT AT THE JUNCTION OF THE PUBLIC SEWER LINE AND THE HOUSE OR BUILDING SEWER LINE.

Referred to **Commerce Committee**.

CALENDAR (*continued*)

H.B. 77 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, upon third reading.

Senator Soles offers Amendment No. 3 which is adopted (45-0) and changes the title to read **H.B. 77** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY VARIOUS MUNICIPALITIES.

The amendment is found to be material, which constitutes the first reading of the measure.

The Senate Committee Substitute bill, as amended, remains on the Calendar for second reading.

S.B. 650, A BILL TO BE ENTITLED AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 401 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE ELECTION LAWS.

The Committee Substitute bill passes its second (43-2) and third readings and is ordered sent to the House of Representatives.

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED.

Upon motion of Senator Plyler, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 17 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION.

The Committee Substitute bill passes its second (36-9) and third readings and is ordered sent to the House of Representatives.

S.B. 206, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM.

Senator Plyler offers Amendment No. 1 which is adopted (44-1).

The bill, as amended, passes its second reading (45-0).

The President orders, without objection, the bill temporarily displaced.

S.B. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND PRIVILEGED COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES AND LICENSED CLINICAL SOCIAL WORKERS.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 118 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-1) and the measure is ordered enrolled and sent to the Governor.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Harris.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a resolution, which is read the first time and disposed of, as follows:

H.J.R. 1034, A JOINT RESOLUTION HONORING THE MEMORY OF MEMBERS OF PAST GENERAL ASSEMBLIES AND THE FIRST TRYON PALACE COMMISSION.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, upon motion of Senator Gulley, the remarks of Senator Thomas and Senator Rand are spread upon the Journal, as follows:

Senator Thomas:

"Thank you, Madame President and members of the Senate. Thank you for considering this resolution which honors members of past General Assemblies and the first Tryon Palace Commission. As you know, the first session of the General Assembly of our State convened on April 7, 1777 in the town of New Bern, in the government house generally known as the Palace. The Palace had been built earlier by British Governor William Tryon as the first permanent capital of the colony of North Carolina. This month marks the two hundred and twenty-fourth anniversary of the very first Session of the General Assembly, which convened in New Bern at the palace. The Assembly met in April and May and again in November and December. I'd like to take you back for a few moments if I can to New Bern in 1777, by reading some excerpts, Senator Horton, from the North Carolina history book. Imagine yourself serving as a member during that session. I think many of the issues that were faced will sound familiar to us today.

"The Executive Branch of the new government began operation in January of 1777 when Richard Caswell and other officials took the oath of office. Caswell's inauguration was a great occasion. The Virginia Gazette reported, 'On Friday last, his Excellency, Richard Caswell, Governor of this State, arrived here. He was met about six miles from town by about thirty gentlemen on horseback, who accompanied him to New Bern, the bells ringing as soon as he entered the town to be conducted to Mr. Edward Renford's tavern. He received from the continental officers and soldiers a salute with small arms, the Fort Pennsylvania Farmer and other vessels in the harbor fired many guns under a display of the colors of the United States, and in the evening the town was highly illuminated. On Monday the 13th instant the inhabitants assembled and waited upon his Excellency with the congratulatory address.'

"The first General Assembly of the Independent States convened in New Bern on April 7. Samuel Ashe of New Hanover was elected Speaker of the Senate, and Abner Nash of Craven was elected Speaker of the House of Commons. The new legislature faced many problems and enacted many laws to conform to the provisions of the 1776 Constitution. Since the state was at war, many of these statutes dealt with military matters. A new militia law was passed, among others. Here's where you will hear some of the issues that we are faced with today. A law to prevent domestic insurrections was enacted and the forging or counterfeiting of bills of credit and lottery tickets was made a felony punishable by death. The General Assembly reenacted the ordinance declaring that

parts of the common law and former statutes were still enforced. They divided the state into six judicial districts and six judges were elected. Laws were passed for the creation of county courts, the regulation of their procedure, the appointment by the legislature of sheriffs, justices of the peace, registers, constables, and coroners in the counties. Three new counties were added, Caswell, Camden and Burke were created. The new state government went into operation during one of the darkest hours of the American Revolution. Military problems transcended all others. Troops had to be raised, organized, trained, equipped and maintained. Military aid had to be rendered to other states and requisitions of the Continental Congress for men and money had to be met. There were problems unifying the state politically, of conciliating diverse political interests. The defects of the 1776 Constitution soon became apparent. There was a decline of popular interest in the Constitution and evidence of decline in support of the new government. The chief defect was the inequitable distribution of seats in the General Assembly. So, they had to deal with redistricting.

"In spite of the aversion of the people to taxation, the General Assembly was forced to resort to a general property tax. In April of 1777, it authorized a general assessment of all property and levied a tax of one half-penny on each pound value of all lands, lots, houses, money at interest and other things. This was the first ad valorem tax ever levied in North Carolina and introduced a new principle of taxation. It might appear that their taxes should have raised large sums, but they did not. Loose methods of assessment, inefficiency of administration, and other problems consumed a large percentage of the revenues. Then in 1781, the State was in desperate financial straits. Governor Nash reported to the General Assembly of 1780 that the treasury was empty and the State's financial resources exhausted.

"So you see, though our colleagues lived in a different time, they faced many of the same challenges that we face today. We can learn about our present and our future by looking at our past. Though Tryon Palace is located in New Bern, it is owned, appreciated and enjoyed by all North Carolinians. I am especially proud of the Tryon Palace Commission members, the Council of Friend members, and the staff of Tryon Palace, many of whom are here in the gallery with us today. They are all very dedicated to this cause, and they are dedicated to preserving our past for future generations. I commend the resolution to you and ask for your support. Thank you."

Senator Rand:

"I would tell you ladies and gentlemen that our lottery bill does not make it punishable by death. We plan to just go life without parole! Tryon Palace is a great gift to the people of North Carolina. Those of you who have not been there certainly need to go. It is a wonderful, wonderful thing that celebrates our history and our heritage, but more, it interprets it all in the life of the modern day, so it is especially meaningful to the schoolchildren who go there to understand the beauty of our past, but also the history of what has brought us to this place. This was a time of some peril in the history of our State when the palace was there when the first legislatures met there. My great-great grandfather's brother represented Cumberland County in the legislature there in New Bern. So it is especially meaningful to a lot of us to see such a wonderful tribute, and such a grand structure to celebrate our past. I hope that as the legislature goes forward, Senator Plyler, that we might be able to do some things to make it even a little prettier as we go through this. There's a breakfast in the morning that you've all been invited to. I hope you will be able to attend when they talk about some of the things. They're doing it down in the cafeteria. This is a wonderful tribute to those people who have done so much for us and I ask your support for the resolution."

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

The President Pro Tempore extends the courtesies of the gallery to guests from Tryon Palace.

S.B. 206, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, temporarily displaced earlier.

Senator Ballantine offers Amendment No. 2 which is adopted (44-0).

The bill, as amended, passes its third reading (44-0) and is ordered engrossed and sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Carrington requests to be added as a sponsor of previously introduced legislation:

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PHASE IN A VOLUNTARY PROGRAM THAT GIVES CANDIDATES FOR CERTAIN ELECTIVE OFFICES THE OPTION OF CHOOSING TO FINANCE THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY FUND-RAISING AND SPENDING LIMITS.

Upon motion of Senator Ballance, seconded by Senator Allran, the Senate adjourns at 4:15 P.M. subject to readings and referrals to meet tomorrow, Wednesday, April 11, at 3:00 P.M.

FORTY-FIFTH DAY

Senate Chamber
Wednesday, April 11, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The President recognizes Senator Weinstein who demonstrates the Shofar, a ritual instrument, one made of ram's horn and one made of ibex horn. The Shofar is one of the oldest symbols in the Jewish religion, and is played during the Judaic High Holidays.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, salvation history, that's what this Holy Week is all about. Hearing Senator Weinstein blow the Shofar reminds us that we celebrate this Holy Week in different ways, from temples and synagogues and grand cathedrals to one room country churches; from Passover and the celebration of liberation to a hill called Golgotha and an empty tomb! It is a time when we remember how you rescued us from evil, from death, and bondage to our own humanity.

"That you saved us is a gift, not some sort of achievement on our own part. We can make ourselves moral. We can even make ourselves religious. But we can't make ourselves love. We love because you first loved us. May we each experience a truly meaningful Holy Week for us all. To your glory we pray, Amen."

The Chair grants leaves of absence for today to Senator Carrington, Senator Martin of Pitt and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Elizabeth Pascher Kanof from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Kathy Wright from Carthage, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 118, AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES.

And the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 1034, A JOINT RESOLUTION HONORING THE MEMORY OF MEMBERS OF PAST GENERAL ASSEMBLIES AND THE FIRST TRYON PALACE COMMISSION. (Res. 8).

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 6, AN ACT TO MERGE THE TOWNS OF JONESVILLE AND ARLINGTON. (Became law upon ratification, April 10, 2001–S.L. 2001-16).

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE NURSING HOME ADMINISTRATOR ACT, with a favorable report.

S.B. 772, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY

STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION, with a favorable report.

S.B. 802, A BILL TO BE ENTITLED AN ACT TO ESTABLISH GUIDELINES AND TO APPROPRIATE FUNDS FOR THE PURCHASE AND PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS IN STATE GOVERNMENT BUILDINGS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Dalton for the **Education/Higher Education Committee**:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS, with a favorable report.

S.B. 532, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, with a favorable report.

S.B. 898, A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001, with a favorable report.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 198 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL RETIREMENT FUND, with a favorable report.

H.B. 477 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MARION FIREMEN'S SUPPLEMENTAL RETIREMENT FUND, with a favorable report.

H.B. 604, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM, with a favorable report.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARY LOCAL FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND, with a favorable report.

S.B. 544, A BILL TO BE ENTITLED AN ACT TO CORRECT AN INCONSISTENCY IN THE HENDERSON FIREMEN'S SUPPLEMENTAL RETIREMENT ACT, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

S.B. 573, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 17.

S.B. 241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP.

With unanimous consent, upon motion of Senator Odom, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

With unanimous consent, upon motion of Senator Hoyle, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 17.

REPORTS OF COMMITTEES

By Senator Kerr for the **Finance Committee**:

H.B. 602, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF TRINITY AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, with a favorable report.

S.B. 311, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE NORTH CAROLINA HOUSING FINANCE AGENCY ACT TO MAKE TECHNICAL AMENDMENTS AND TO AUTHORIZE THE INVESTMENT OF MONEY HELD BY THE AGENCY IN CERTAIN BONDS, with a favorable report.

S.B. 675, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS, with a favorable report.

H.B. 19 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY AND THE TOWNS OF INDIAN BEACH, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3351, which changes the title to read **H.B. 19** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3801 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.

Referred to **State and Local Government Committee**.

H.B. 362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ACKNOWLEDGING THE AUTHORITY OF STATE-RECOGNIZED INDIAN TRIBES TO EXERCISE SELF-GOVERNANCE.

Referred to **Judiciary II Committee**.

H.B. 385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to **Judiciary I Committee**.

H.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT

EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

Referred to **State and Local Government Committee**.

H.B. 768 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE ACT CONSISTENT WITH STRUCTURED SENTENCING.

Referred to **State and Local Government Committee**.

H.B. 777, A BILL TO BE ENTITLED AN ACT TO REPEAL THE GASTONIA FIREMEN'S SUPPLEMENTARY PENSION FUND.

Referred to **Pensions and Retirement and Aging Committee**.

S.B. 3 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, April 12.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read as follows:

House of Representatives
April 11, 2001

Madame President:

It is ordered that a message be sent to your Honorable Body with the information that pursuant to a Proclamation issued by Governor Michael F. Easley on April 11, 2001, Mark Farel Crawford has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2001 General Assembly. Representative Crawford has been seated to fill the vacancy created by the resignation of the Honorable Lanier M. Cansler from the Fifty-first District.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

H.B. 77 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar.

H.B. 306, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

With unanimous consent, upon motion of Senator Albertson, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, April 12.

S.B. 398, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO THE DEFINITION OF UNDUE FAMILY HARDSHIP UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 531 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CERTAIN STATUTES REGULATING UNSAFE BUILDINGS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

H.B. 115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS, referred to the **Judiciary II Committee** on March 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 787, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE, referred to the **Judiciary II Committee** on April 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

By Senator Robinson for the **State and Local Government Committee**:

H.B. 423 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, with a favorable report.

H.B. 699, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON A NONPARTISAN BASIS, with a favorable report.

S.B. 622, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA, with a favorable report.

Upon motion of Senator Robinson, the bill is re-referred to the **Finance Committee**.

S.B. 662, A BILL TO BE ENTITLED AN ACT AMENDING AN ACT AUTHORIZING ORANGE COUNTY TO REGULATE OPEN BURNING, with a favorable report.

Upon motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 3:56 P.M., subject to messages from the House of Representatives, to meet tomorrow, Thursday, April 12, at 12:00 Noon.

FORTY-SIXTH DAY

Senate Chamber
Thursday, April 12, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we know the Senate to be a place of great power. It is also a place of great pressure and hectic activity. Protect each person here from the oppression of the urgent. Allow them time each day for reflection and perspective so that the work they do will always be guided by that work's meaning and end. Even you, O God, didn't do it all in one day. Forgive us for thinking we can. Amen."

The Chair grants leaves of absence for today to Senator Carpenter, Senator Carrington and Senator Martin of Pitt.

Senator Rand announces that the Journal of yesterday, Wednesday, April 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the

reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Kathleen Janette Clem from Durham, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 193, AN ACT TO PROVIDE A PROPERTY TAX EXCLUSION FOR CERTAIN QUALIFIED RETIREMENT FACILITIES THAT PROVIDE CHARITY CARE AND/OR COMMUNITY BENEFITS. (Became law upon approval of the Governor, April 11, 2001–S.L. 2001-17).

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 226, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF PHARMACY TO ACQUIRE REAL PROPERTY AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.
Referred to **Finance Committee**.

H.B. 350, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.
Referred to **Insurance/Consumer Protection Committee**.

H.B. 429, A BILL TO BE ENTITLED AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS.
Referred to **Rules and Operations of the Senate Committee**.

H.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF TELECOMMUNICATIONS TAXES.
Referred to **Finance Committee**.

H.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AT ANY PERMANENT DRIVERS LICENSE OFFICE WITH TWO OR MORE EXAMINERS, ONE SHALL TAKE APPOINTMENTS FOR DRIVERS LICENSE RENEWALS FOR COUNTY RESIDENTS.
Referred to **Transportation Committee**.

H.B. 666, A BILL TO BE ENTITLED AN ACT MAKING IT A CRIMINAL OFFENSE TO OBTAIN AMBULANCE SERVICES FRAUDULENTLY IN HALIFAX COUNTY.

Referred to **State and Local Government Committee**.

H.B. 668 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES.

Referred to **Judiciary II Committee**.

H.B. 702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS MITIGATION BANKING CREDITS.

Referred to **Finance Committee**.

H.B. 727, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY DEPARTMENT OF SOCIAL SERVICES.

Referred to **State and Local Government Committee**.

H.J.R. 771, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDMUND HARDING AND COMMEMORATING THE TERCENTENARY OF THE FOUNDING OF BATH, FIRST TOWN IN THE COLONY OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION FACILITIES.

Referred to **State and Local Government Committee**.

H.B. 958, A BILL TO BE ENTITLED AN ACT TO REQUIRE COST REPORTS SPECIFIC TO ADULT CARE HOME SPECIAL CARE UNITS AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A DESIGNATED REIMBURSEMENT SYSTEM FOR RESIDENTS IN SPECIAL CARE UNITS.

Referred to **Children & Human Resources Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 77 (Senate Committee Substitute), A BILL TO ENTITLED AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY THE CITY OF OXFORD AND THE TOWNS OF CATAWBA, DALLAS, LOUISBURG, MOCKSVILLE, AND PEMBROKE, upon third reading, as amended on second reading.

The Senate Committee Substitute bill, as amended on second reading, passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho,

Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 18.

H.B. 19 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, upon second reading.

With unanimous consent, upon motion of Senator Ballantine, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 19.

H.B. 602, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF TRINITY AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill remains on the Calendar, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 681, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY

THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9586 is adopted and engrossed.

S.B. 881 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT IN THE COUNTY IN WHICH THE INJURY OCCURRED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6696 is adopted and engrossed.

S.B. 719, A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2661, which changes the title to read **S.B. 719** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY AND BY A STATE-OWNED RAILROAD COMPANY, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS TO ACQUIRE REAL PROPERTY, TO ESTABLISH A SYSTEM OF STAGGERED LICENSE RENEWAL, AND TO INCREASE FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5657 is adopted and engrossed.

S.B. 157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 6697, is adopted and engrossed.

By Senator Dalton for the **Education/Higher Education Committee**:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6698 is adopted and engrossed.

S.B. 811, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PARENTS

OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8628 is adopted and engrossed.

S.B. 879, A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1643 is adopted and engrossed.

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with a favorable report.

H.B. 162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR REIMBURSEMENT FOR ADULT DAY CARE FROM THE HOME AND COMMUNITY CARE BLOCK GRANT FUND, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1644 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

S.B. 158, A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5656 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 678, A BILL TO BE ENTITLED AN ACT TO ESTABLISH RESIDENCE DISTRICTS FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY BOARD OF COMMISSIONERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3803 is adopted and engrossed.

CALENDAR (*continued*)

S.B. 544, A BILL TO BE ENTITLED AN ACT TO CORRECT AN INCONSISTENCY IN THE HENDERSON FIREMEN'S SUPPLEMENTAL RETIREMENT ACT.

Senator Wellons offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 662, A BILL TO BE ENTITLED AN ACT AMENDING AN ACT AUTHORIZING ORANGE COUNTY TO REGULATE OPEN BURNING.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

Upon the appearance of Senator Carpenter in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 667 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 675, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 198 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered enrolled.

H.B. 306, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 477 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MARION FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

The Committee Substitute bill No. 2 passes its second (48-0) and third readings and is ordered enrolled.

H.B. 604, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 621 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARY LOCAL FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 699, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON A NONPARTISAN BASIS.

The bill passes its second (48-0) and third readings and is ordered enrolled.

H.B. 423 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 311, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE NORTH CAROLINA HOUSING FINANCE AGENCY ACT TO MAKE TECHNICAL AMENDMENTS AND TO AUTHORIZE THE INVESTMENT OF MONEY HELD BY THE AGENCY IN CERTAIN BONDS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 378, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

The bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 532, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

Senator Lucas offers Amendment No. 1 which is adopted (47-1).

The bill, as amended, passes its second reading (48-0) and third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 749, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE NURSING HOME ADMINISTRATOR ACT.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 772, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS TO ESTABLISH REGULATORY STANDARDS FOR THE ADMINISTRATION AND MONITORING OF ENTERAL SEDATION FOR OUTPATIENTS IN THE DENTAL SETTING IN ADDITION TO EXISTING STANDARDS FOR GENERAL ANESTHESIA AND PARENTERAL SEDATION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 898, A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001.

Senator Cunningham offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 3 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 420, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee**.

S.B. 751, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR PRESCHOOL EDUCATIONAL PROGRAM SITES, referred to the **Judiciary I Committee** on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Judiciary II Committee**.

PERSONAL PRIVILEGE

Upon motion of Senator Dalton, the remarks of Senator Swindell and Senator Rand commemorating April 12, 1776, are spread upon the Journal, as follows:

Senator Swindell:

"Ladies and Gentlemen of the Senate, I would like to call your attention today to our flag and the date that's on our flag, April 12, 1776, for that was when the Provincial Congress met in Halifax, North Carolina. On that particular date under the leadership of Samuel Johnson, who was the President of that Provincial Congress, shortly before they had asked Cornelius Harnett to draft a resolution and on that morning which was probably much like today, a spring morning, whether it be hot or cool, they gathered in Halifax, and on behalf of myself today, and Senator Ballance, I do this representing Halifax County. Those folks gathered and they debated, they argued, they discussed, but what they walked away with was the Halifax Resolves which, as you know, was the first colony representative of North Carolina that said we should break away from England and form our own government. The document was only signed by one person on the back, James Green who was the secretary, with the instructions, 'This is to be read in Philadelphia, the Continental Congress, on May 27.' So after they voted they proceeded on to, and we know what happened there, the Continental Congress, the Declaration of Independence - and in November of the same year the fifth Provincial Congress met again in Halifax. At that meeting they drafted the first Constitution of the State of North Carolina, and they elected among themselves Richard Caswell to be the first State Governor. Before that we had had two or three different kinds of governors, from the Roanoke Governor to the Prosperity Governor and the Royal Governors. The last Royal Governor was Josiah

Martin. And before him was Richard Tryon who Senator Thomas talked about the other day. So they proceeded at that time and went on down to New Bern where that following year we had our first legislature with our Governor there. I think it's important to me today, and to all of us to remember regardless of the problems we have as the elected representatives of our great State, think of those who left home on that journey to Halifax, with their families, their children, their parents, their loved ones all whose lives would be at risk. Shortly during that time, too, Cornwallis even marched and stayed there in Halifax for several days as he made his way on up into Virginia where he surrendered at Yorktown. I would also say today that Halifax is not but about 80 miles from here. Go visit the grounds. I walked around the grounds two weeks ago just to look at the houses. See our Halifax. Senator Rand, they need to go see Governor Davie's house there, who laid the first cornerstone at the University of North Carolina, who was also a citizen of Halifax. So I do this today, Madame President, in honor and in memory of folks like Governor Davie, folks like Senator Julian Allsbrook, and even our living Senator Lunsford Crew who was once a President *Pro Tempore* of this body in Halifax County, and I thank you for this opportunity."

Senator Rand:

"I really appreciate you doing that today. I was thinking this morning when I was getting ready about Julian Allsbrook who sat right here, who made that same speech. Oh man I heard it so many times and I enjoyed it every time. He was really the moving force putting the date on the State seal, and he reminded us of that, I don't know how many times. Senator Soles has heard the speech a whole lot more than I have, I'm sure. But, this is a wonderful time to reflect on that and reflect on the people who meant so much to our State, but it is also a wonderful time to reflect on Senator Allsbrook who served this body over a period of fifty years. He was in the Senate before I was born and was a great North Carolinian, and meant so much to so many people. Senator Soles tried to steal his General Statutes one time and was put in his place, but that's another story. But, he was a wonderful member of this body who did so much for so many of us, so I thank you for making that wonderful speech about a wonderful part of North Carolina and a wonderful man.

Upon motion of Senator Ballance, seconded by Senator Weinstein, the Senate adjourns at 1:14 P.M. to meet Monday, April 16, at 7:00 P.M.

FORTY-SEVENTH DAY

Senate Chamber
Monday, April 16, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, there are some matters in this world which can better be understood by seeing them objectively, at a distance. But most things we will never understand fully unless we experience them up close. Guard us from the temptation of merely observing life as from a balcony. Instead, give us the courage to participate fearlessly in this world, walking humbly on every level, lending a hand in the common chores, never fearing about

advantages or disadvantages. Losing ourselves in the living of life, that is your call to us! Help us incorporate fearless living into our agendas this week. For your sake, Amen."

The Chair grants leaves of absence for tonight to Senator Bingham and Senator Martin of Pitt.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Cynthia Anne Hampton from Henderson, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 3, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 198, AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

H.B. 306, AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

H.B. 423, AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

H.B. 477, AN ACT TO REPEAL THE MARION FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

H.B. 604, AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

H.B. 621, AN ACT TO REPEAL THE CARY LOCAL FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND.

H.B. 699, AN ACT TO PROVIDE FOR THE ELECTION OF THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON A NONPARTISAN BASIS.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 14, A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3802 is adopted and engrossed.

S.B. 936, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2664 is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3807 is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 617, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8630 is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GASTONIA TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8629, which changes the title to read **S.B. 92** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, is adopted and engrossed.

S.B. 236, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON

BONDS OUTSTANDING FOR THE HOUSING FINANCE AGENCY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3808, which changes the title to read **S.B. 236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON BONDS OUTSTANDING FOR THE HOUSING FINANCE AGENCY FROM $1.5 BILLION TO $3 BILLION, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS.

Referred to **Judiciary I Committee**.

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BEAR HUNTING SEASON IN MARTIN COUNTY APPLIES TO THE ENTIRE COUNTY.

Referred to **State and Local Government Committee**.

H.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EARLIER CONVENING OF THE GENERAL ASSEMBLY FOR ORGANIZATION AND THEN AN EXTENDED RECESS.

Referred to **Judiciary I Committee**.

H.B. 410 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGE BOARDS TO DISPOSE OF CERTAIN REAL AND PERSONAL PROPERTY WITHOUT THE APPROVAL OF THE STATE BOARD OF COMMUNITY COLLEGES.

Referred to **Education/Higher Education Committee**.

H.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURE FOR SUBMITTING LOCAL BUDGETS TO THE STATE BOARD OF COMMUNITY COLLEGES FOR APPROVAL.

Referred to **Education/Higher Education Committee**.

H.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING.

Referred to **Education/Higher Education Committee**.

H.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

Referred to **Education/Higher Education Committee**.

H.B. 667, A BILL TO BE ENTITLED AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S COMMISSIONERS AND MAYOR, AND

STAGGERING THOSE TERMS.
Referred to **State and Local Government Committee**.

H.B. 697, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BRUNSWICK FIRE FEE LEGISLATION.
Referred to **Finance Committee**.

H.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE CAROLINA LILY AS THE OFFICIAL WILDFLOWER OF NORTH CAROLINA.
Referred to **Rules and Operations of the Senate Committee**.

H.B. 807, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WINTERVILLE.
Referred to **Finance Committee**.

H.B. 838 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST.
Referred to **Finance Committee**.

H.B. 866, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS.
Referred to **State and Local Government Committee**.

H.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW HAYWOOD COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICTS.
Referred to **Finance Committee**.

H.B. 893, A BILL TO BE ENTITLED AN ACT TO INCLUDE MOORE COUNTY AMONG THOSE COUNTIES IN WHICH DOGS MAY NOT BE USED TO HUNT DEER.
Referred to **Rules and Operations of the Senate Committee**.

H.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.
Referred to **Education/Higher Education Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Tuesday, April 17.

WITHDRAWAL FROM COMMITTEE

S.B. 530, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF TAYLORTOWN TO ADOPT AN ORDINANCE REPEALING THE ORDINANCE ANNEXING THE AREA KNOWN AS PINESAGE, referred to the **Rules and Operations of the Senate Committee** on March 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 327, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 602, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF TRINITY AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 158 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE MONROE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH RESIDENCE DISTRICTS FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY BOARD OF COMMISSIONERS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY AND BY A STATE-OWNED RAILROAD COMPANY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—41.

Voting in the negative: Senators Foxx, Moore, Shaw of Guilford and Webster—4.

The Committee Substitute bill remains on the Calendar.

S.B. 157 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES.

The Committee Substitute bill No. 2 passes its second (43-2) and third readings and is ordered sent to the House of Representatives.

S.B. 304 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE.

Without objection, Senator Metcalf and Senator Swindell request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator Weinstein offers Amendment No. 1 which fails of adoption (11-32).

The Committee Substitute bill passes its second (38-5) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

H.B. 19 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from the Calendar for Thursday, April 19, and is placed on the Calendar for tomorrow, Tuesday, April 17.

CALENDAR (*continued*)

S.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS TO ACQUIRE REAL PROPERTY, TO ESTABLISH A SYSTEM OF STAGGERED LICENSE RENEWAL, AND TO INCREASE FEES.

The Committee Substitute bill passes its second (43-2) and third readings and is ordered sent to the House of Representatives.

S.B. 811 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

Senator Lucas offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (44-1).

Senator Odom objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Tuesday, April 17.

S.B. 881 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGREEMENTS, ORDERS, AND FINAL AWARDS UNDER THE WORKERS' COMPENSATION ACT MAY BE ENTERED AS JUDGMENTS BY THE CLERK OF SUPERIOR COURT IN THE COUNTY IN WHICH THE INJURY OCCURRED.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Kerr, the bill is withdrawn from today's Calendar and re-referred to the **Finance Committee**.

ADDITIONAL SPONSOR

Senator Cunningham requests to be added as a sponsor of previously introduced legislation:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ITEMS PURCHASED DURING A SPECIFIC PERIOD FROM THE SALES AND USE TAX.

S.B. 90, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, IF APPROVED BY THE VOTERS IN THE 2002 GENERAL ELECTION, TO AUTHORIZE THE GENERAL ASSEMBLY TO ENACT LEGISLATION ALLOWING EACH COUNTY TO (I) INCREASE THE AMOUNT OF THE PROPERTY TAX HOMESTEAD EXEMPTION FOR LOW-INCOME ELDERLY AND DISABLED INDIVIDUALS IN THAT COUNTY AND (II) RAISE THE DEFINITION OF "LOW-INCOME" SO THAT MORE ELDERLY AND DISABLED INDIVIDUALS CAN QUALIFY FOR THE EXEMPTION.

S.B. 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

S.B. 991, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES OF PERSONAL PRIVACY PROTECTIONS.

S.B. 992, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN INDIVIDUAL TO HAVE ACCESS TO PROTECTED HEALTH INFORMATION ABOUT THE INDIVIDUAL.

S.B. 1029, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS TO COMPETITIVELY BID ALL CONTRACTS FOR FOOD AND BEVERAGE SERVICES UNDER THE LAWS RELATING TO FOOD SERVICE IN PUBLIC SCHOOLS AND AUTHORIZING THE SECRETARY OF ADMINISTRATION TO ADOPT RULES TO IMPLEMENT THE COMPETITIVE BIDDING PROCESS.

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO CREATE THE DISCOUNT CARD PRIVACY PROTECTION ACT.

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PHASE IN A VOLUNTARY PROGRAM THAT GIVES CANDIDATES FOR CERTAIN ELECTIVE OFFICES THE OPTION OF CHOOSING TO FINANCE THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY FUND-RAISING AND SPENDING LIMITS.

S.B. 1076, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA HIGH PRIORITY SCHOOL ASSISTANCE AND ACCOUNTABILITY ACT OF 2001.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Michael Adams, Chapel Hill; Ashima Aneja, Greenville; Erica Nicole Call, North Wilkesboro; Kunal Choksi, Burlington; Brock David-Yerumo, Durham; Adam Clark Gwaltney, Hillsborough; Thomas William Jenkins, Franklin; Benjamin W. Johnson, Chapel Hill; Alexander D. Jones, Charlotte; Courtneay Loren Kornegay, Faison; Matthew J. O'Brien, Cary; Melissa L. Plummer, Raeford; Marilyn C. Powell, Deep Run; Sarah Robinson, Banner Elk; Jamie Renee' Rochelle, Richlands; Jerrod Rogers, Angier; Zachary Rucho, Matthews; Elizabeth Neville Seaks, Greensboro; F. William Townes V, Boomer.

Upon motion of Senator Ballance, seconded by Senator Metcalf, the Senate adjourns at 8:05 P.M., subject to messages from the House of Representatives, to meet tomorrow, Tuesday, April 17, at 3:00 P.M.

FORTY-EIGHTH DAY

Senate Chamber
Tuesday, April 17, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Frank Ballance, Deputy President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, holy scripture is quite clear about the definition of truth. First John 2:4

says, 'Whoever says, I know God, but doesn't practice obedience to God's commands possesses no truth in his or her heart.'

"That's a far cry from the ethics with which we've come to be comfortable with, depicted well, I think, by Mark Twain's character in Huckleberry Finn when he says, 'Get your facts first, and then you can distort 'em as much as you please.'

"About the last thing we want anybody to say about us is that we are somewhat truthful people. Help us to be people who know the facts and then communicate them without distortion. Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt and Senator Moore.

Senator Rand announces that the Journal of yesterday, Monday, April 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The Deputy President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Assac Meymandi from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Elizabeth Newton from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 602, AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF TRINITY AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 198, AN ACT TO REPEAL THE MOREHEAD CITY FIREMEN'S SUPPLEMENTAL RETIREMENT FUND. (Became law upon ratification, April 16, 2001–S.L. 2001-18).

H.B. 306, AN ACT TO REMOVE THE SUNSET ON THE LAW PROVIDING FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES AND ALLOWING THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES. (Became law upon ratification, April 16, 2001–S.L. 2001-19).

H.B. 423, AN ACT TO ALLOW THE CITY OF GREENSBORO TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS. (Became law upon ratification, April 16, 2001–S.L. 2001-20).

H.B. 477, AN ACT TO REPEAL THE MARION FIREMEN'S SUPPLEMENTAL RETIREMENT FUND. (Became law upon ratification, April 16, 2001–S.L. 2001-21).

H.B. 604, AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM. (Became law upon ratification, April 16, 2001–S.L. 2001-22).

H.B. 621, AN ACT TO REPEAL THE CARY LOCAL FIREMEN'S SUPPLEMENTAL RETIREMENT BENEFIT FUND. (Became law upon ratification, April 16, 2001–S.L. 2001-23).

H.B. 699, AN ACT TO PROVIDE FOR THE ELECTION OF THE CAMDEN COUNTY BOARD OF EDUCATION IN THE GENERAL ELECTION ON A NONPARTISAN BASIS. (Became law upon ratification, April 16, 2001–S.L. 2001-24).

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 848, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS, with a favorable report.

S.B. 312, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE CERTIFICATION OF WELL CONTRACTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8631, which changes the title to read **S.B. 312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT, is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 459, A BILL TO BE ENTITLED AN ACT TO AMEND NORTH CAROLINA'S INSURANCE LAWS CONCERNING INSURANCE COMPANY RESERVING METHODS, LICENSING PROVISIONS, REINSURANCE FOR DOMESTIC COMPANIES, DOMESTIC COMPANY FORMATION, SOLVENCY PROTECTION, LIFE INSURANCE COMPANY VARIABLE ACCOUNTS, CONSOLIDATIONS, INVESTMENTS, MUTUAL INSURANCE COMPANIES, REINSURANCE INTERMEDIARIES, MORTGAGE GUARANTY INSURANCE, RISK-BASED CAPITAL REQUIREMENTS, ASSET PROTECTION, FOREIGN INSURANCE COMPANIES, PROMOTING AND HOLDING COMPANIES, HOLDING COMPANY SYSTEMS, SURPLUS LINES INSURANCE, RISK RETENTION GROUPS, INSURANCE COMPANY RECEIVERSHIPS, MANAGING GENERAL AGENTS, SELF-INSURED WORKERS' COMPENSATION, AND CONTINUING CARE

RETIREMENT COMMUNITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1642, which changes the title to read **S.B. 459** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND NORTH CAROLINA'S INSURANCE LAWS CONCERNING INSURANCE COMPANY RESERVING METHODS, LICENSING PROVISIONS, REINSURANCE FOR DOMESTIC COMPANIES, DOMESTIC COMPANY FORMATION, SOLVENCY PROTECTION, LIFE INSURANCE COMPANY VARIABLE ACCOUNTS, CONSOLIDATIONS, INVESTMENTS, MUTUAL INSURANCE COMPANIES, REINSURANCE INTERMEDIARIES, MORTGAGE GUARANTY INSURANCE, RISK-BASED CAPITAL REQUIREMENTS, ASSET PROTECTION, FOREIGN INSURANCE COMPANIES, PROMOTING AND HOLDING COMPANIES, HOLDING COMPANY SYSTEMS, SURPLUS LINES INSURANCE, RISK RETENTION GROUPS, INSURANCE COMPANY RECEIVERSHIPS, MANAGING GENERAL AGENTS, SELF-INSURED WORKERS' COMPENSATION, AND CONTINUING CARE RETIREMENT COMMUNITIES; AND TO ALLOW NORTH CAROLINA DOMESTIC INSURANCE COMPANIES TO FORM PROTECTED CELLS TO ACCESS ALTERNATIVE SOURCES OF CAPITAL AND ACHIEVE THE BENEFITS OF SECURITIZATION, is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 785, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CONTINUING LEGAL EDUCATION REQUIREMENTS ATTORNEYS SERVING ON THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY, with a favorable report.

S.B. 745, A BILL TO BE ENTITLED AN ACT TO AMEND THE STRUCTURED SENTENCING LAWS WITH REGARD TO POST-RELEASE SUPERVISION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6702 is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 746, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2663 is adopted and engrossed.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.J.R. 853, A JOINT RESOLUTION ACCEPTING PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE, with a favorable report.

S.B. 854, A BILL TO BE ENTITLED AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE; TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE; TO CODIFY THESE REMOVALS; AND TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 402, A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO THE REDEFINITION OF THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS AND THE ONE AND ONE-HALF TIMES TEST, with a favorable report.

S.B. 882, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 441, A BILL TO BE ENTITLED AN ACT TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES, with a favorable report.

S.B. 712, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES, with a favorable report.

S.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES, with a favorable report.

S.B. 887, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW, with a favorable report.

S.B. 718, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6703 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8632 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN CERTIFIED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DATE ELECTORS ARE TO MEET.

Referred to **Judiciary I Committee**.

H.B. 146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS.

Referred to **Finance Committee**.

H.B. 169 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 190 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL FLEXIBILITY WITH REGARD TO THE REHIRING OF TEACHERS WHO LEAVE PUBLIC SCHOOLS TO TEACH IN CHARTER SCHOOLS.

Referred to **Education/Higher Education Committee**.

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIAN TRIBES TO ELECT TO MAKE UNEMPLOYMENT PAYMENTS, IN LIEU OF CONTRIBUTIONS, TO REIMBURSE ACTUAL COMPENSATION PAID WITH RESPECT TO EMPLOYEES, AS REQUIRED BY FEDERAL LAW.

Referred to **Judiciary II Committee**.

H.B. 722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT.

Referred to **Commerce Committee**.

H.B. 1143, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS.

Referred to **Commerce Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, upon second reading.

Senator Wellons offers Amendment No. 1 which is adopted (46-0).

The Amendment is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, remains on the Calendar for Wednesday, April 18, upon second reading.

H.B. 19 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, upon second reading.

Senator Ballantine offers Amendment No. 1 which is adopted (47-0).

The Amendment is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, remains on the Calendar for Wednesday, April 18, upon second reading.

S.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 819, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON WHO PLEADS GUILTY OR NO CONTEST TO A CLASS H OR I FELONY IN DISTRICT COURT AND RECEIVES A PROBATIONARY SENTENCE WILL HAVE ANY RESULTING PROBATION VIOLATION HEARING HELD IN DISTRICT COURT, AND THAT AN APPEAL FROM A SUBSEQUENT PROBATION REVOCATION WILL BE HEARD IN THE COURT OF APPEALS, with a favorable report.

S.B. 910, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR, with a favorable report.

S.B. 1004, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE, with a favorable report.

CALENDAR (*continued*)

S.B. 719 (Committee Substitute), AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY AND BY A STATE-OWNED RAILROAD COMPANY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: Senators Foxx and Webster—2.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION.

Senator Ballantine offers Amendment No. 1 which fails of adoption (16-32).

The Committee Substitute bill passes its second reading (45-3).

Senator Rucho offers Amendment No. 2 which fails of adoption (15-33).

Senator Horton offers Amendment No. 3.

Senator Rand offers a motion that Amendment No. 3 lie upon the table, seconded by Senator Gulley.

Senator Horton calls for the ayes and noes on the motion to table Amendment No. 3.

The motion to table Amendment No. 3 prevails (33-15) as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—33.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Clodfelter, Forrester, Foxx, Garwood, Hartsell, Horton, Rucho, Shaw of Guilford and Webster—15.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON BONDS OUTSTANDING FOR THE HOUSING FINANCE AGENCY FROM $1.5 BILLION TO $3 BILLION.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 573, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO

PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 936 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SOME BUDGET FLEXIBILITY TO THE NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS.

Having voted with the majority, Senator Lucas offers a motion that the vote by which the Committee Substitute bill passed its second reading on April 16 be reconsidered, which motion prevails (48-0).

Having voted with the majority, Senator Lucas offers a motion that the vote by which Amendment No. 1 was adopted on April 16 be reconsidered, which motion prevails.

Senator Lucas withdraws Amendment No. 1.

Senator Lucas offers Amendment No. 2 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives.

WITHDRAWALS FROM COMMITTEE

S.B. 109, A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES, referred to the **Judiciary II Committee** on February 8.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 99, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 365, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE, referred to the **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance**

Committee, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 860, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES AND TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, referred to the **Judiciary I Committee** on April 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I** Committee and re-refers the measure to the Commerce Committee.

ADDITIONAL SPONSOR

Senator Gulley requests to be added as a sponsor of previously introduced legislation:

S.B. 971, A BILL TO BE ENTITLED AN ACT REQUIRING NORTH CAROLINA UTILITIES SELLING ELECTRIC POWER TO OFFER NET METERING TO CUSTOMERS HAVING THEIR OWN ON-SITE, SMALL-SCALE, RENEWABLE-FUELED ELECTRIC GENERATING FACILITIES.

Upon motion of Senator Basnight, seconded by Senator Shaw of Cumberland, the Senate adjourns at 4:18 P.M. to meet tomorrow, Wednesday, April 18, at 3:00 P.M.

FORTY-NINTH DAY

Senate Chamber
Wednesday, April 18, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Hannah Brawley, Associate Pastor, Little Chapel on the Boardwalk, Wrightsville Beach, North Carolina, as follows:

"For this wonderful state of ours that stretches from mountain to shore, receive our thanks this day, O God.

"For the men and women gathered here who have made many sacrifices in their personal lives to serve, often leaving family and home behind to travel here, receive our grateful praise, O God.

"When weariness sets in as responsibilities weigh them down, renew their strength, O God.

"When minds are jumbled with many conflicting opinions being thrown at them, give our Senators clarity of thought, O God.

"When pressures from many sides to vote a certain way cause anxiety, give these men and women courage, O God, the courage of their own convictions prayerfully conceived.

"Hear our prayers this day for these men and women who have responded to the call to serve our state, O Sovereign God, for we place our ultimate trust in your guidance. Amen."

The Chair grants leaves of absence for today to Senator Cunningham and Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. William John Bicket from Matthews, North Carolina, who is serving the Senate as Doctor of the Day, and to Robin Corbett from Macclesfield, North Carolina, who is serving the Senate as Nurse of the Day.

The President, extends privileges of the floor to Bill Norbert, Majority Whip of the Maine House of Representatives; Christina Baker, a member of the Maine House of Representatives who grew up in Gastonia; Jolene Lovejoy, Town Select Woman from Rumford, Maine. They are here as guests of the North Carolina Center for Voter Education.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 602, AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF TRINITY AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF THOMASVILLE. (Became law upon ratification, April 17, 2001–S.L. 2001-25).

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Reeves for the **Information Technology Committee**:

S.B. 1089, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE OFFICE OF INFORMATION TECHNOLOGY SERVICES TO CHARGE INTEREST FOR PAST-DUE ACCOUNTS RECEIVABLE OWED TO THE OFFICE BY STATE AGENCIES, with a favorable report.

By Senator Purcell for the **Health Care Committee**:

S.B. 775, A BILL TO BE ENTITLED AN ACT TO PROVIDE COVERAGE UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FOR MEMBERS OF BOARDS, COMMISSIONS, AND COUNCILS WHICH ARE STAFFED BY EMPLOYEES WHO ARE COVERED UNDER THE PLAN, with a favorable report.

Upon motion of Senator Purcell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1075, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE

UNIFORM ANATOMICAL GIFT ACT, with a favorable report.

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO REQUIRE COLLABORATION BETWEEN THE DIVISION OF SOCIAL SERVICES AND THE COMMISSION OF INDIAN AFFAIRS AND THE NORTH CAROLINA DIRECTORS OF SOCIAL SERVICES ASSOCIATION ON INDIAN CHILD WELFARE ISSUES, with a favorable report.

S.B. 1052, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SOCIAL SERVICES COMMISSION TO WAIVE THE WAITING PERIOD FOR CERTAIN INDIVIDUALS TO REAPPLY FOR CASH ASSISTANCE UNDER THE STANDARD WORK FIRST PROGRAM, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6705 is adopted and engrossed.

S.B. 752, A BILL TO BE ENTITLED AN ACT TO ADD AN APPOINTEE OF THE INDIGENT DEFENSE SERVICES COMMISSION TO THE STATE JUDICIAL COUNCIL, with a favorable report.

S.B. 951, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, with a favorable report.

S.B. 1023, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT, with a favorable report.

S.B. 147, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE

COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS ON STOPS MADE BY CERTAIN LOCAL LAW ENFORCEMENT AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8633 is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS, with a favorable report.

Upon motion of Senator Lucas, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 836, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES, with a favorable report.

The President Pro Tempore, extends privileges of the floor to The Honorable Peter Faus, member of the Upper House of Parliament, Shadow Attorney General, and Shadow Minister of Forestry, and to his wife, Donnica Faus, of Western Australia, guests of Senator Webster.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 740, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE SERVICES COMMISSION TO OPERATE THE SNACK BAR IN THE LEGISLATIVE OFFICE BUILDING, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 262, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WRONGFULLY CHARGED WITH A CRIMINAL OFFENSE BECAUSE OF IDENTITY FRAUD SHALL AUTOMATICALLY HAVE HIS OR HER RECORD EXPUNGED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7635, which changes the title to read **S.B. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IMPROPERLY CHARGED WITH A CRIMINAL OFFENSE AS A RESULT OF IDENTITY FRAUD MAY HAVE HIS OR HER RECORD EXPUNGED, is adopted and engrossed.

S.B. 990, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE, with an

unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7634 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND, with a favorable report.

H.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW JOHNNY S. MYERS TO CONVEY CERTAIN PROPERTY TO THE COUNTY OF YADKIN, with a favorable report.

H.B. 768 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE ACT CONSISTENT WITH STRUCTURED SENTENCING, with a favorable report.

H.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION FACILITIES, with a favorable report.

S.B. 643, A BILL TO BE ENTITLED AN ACT MAKING MISCELLANEOUS CHANGES IN THE ZONING AUTHORITY OF DURHAM COUNTY, with a favorable report.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 777, A BILL TO BE ENTITLED AN ACT TO REPEAL THE GASTONIA FIREMEN'S SUPPLEMENTARY PENSION FUND, with a favorable report.

S.B. 943, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN OPTIONAL RETIREMENT PROGRAM FOR THE NORTH CAROLINA COMMUNITY COLLEGES SYSTEM, with a favorable report.

Upon motion of Senator Harris, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 816, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3810 is adopted and engrossed.

Upon motion of Senator Harris, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of

Representatives transmitting bills and a resolution are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 355 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES.

Referred to **Commerce Committee**.

H.B. 431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS.

Referred to **Education/Higher Education Committee**.

H.B. 712, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF MOREHEAD CITY.

Referred to **Finance Committee**.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST INFORMATION ABOUT STAFFING LEVELS.

Referred to **Children and Human Resources Committee**.

H.J.R. 758, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 760, A BILL TO BE ENTITLED AN ACT TO REQUIRE CANCER INSURANCE POLICIES TO OFFER A WELLNESS BENEFIT RIDER.

Referred to **Insurance and Consumer Protection Committee**.

H.B. 857, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN AREA MENTAL AUTHORITY THAT HAS ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA BANK.

Referred to **Children and Human Resources Committee**.

H.B. 880, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC

TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES.

Referred to **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 882, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 715, A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES.

Referred to **Rules and Operations of the Senate Committee**.

WITHDRAWALS FROM COMMITTEE

S.B. 241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP, referred to the **Appropriations/Base Budget Committee** on April 11.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, April 23, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, April 23.

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED, referred to the **Appropriations/Base Budget Committee** on April 10.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, April 23, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, April 23.

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM INTO AN UNOCCUPIED BUILDING, VEHICLE, OR OTHER ENCLOSURE, referred to the **Appropriations/Base Budget Committee** on April 4.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the

Calendar for Monday, April 23, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, April 23.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES, referred to the **Appropriations/Base Budget Committee** on April 4.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, April 23, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, April 23.

S.B. 1014 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, referred to the **Appropriations/Base Budget Committee** on April 16.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, April 23, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, April 23.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 23.

WITHDRAWALS FROM COMMITTEE

S.B. 729, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MOTORCYCLE INSURANCE RATES ARE SET IN ACCORDANCE WITH THE LAW REGULATING INSURANCE RATES RATHER THAN ESTABLISHED BY THE NORTH CAROLINA RATE BUREAU, referred to the **Rules and Operations of the Senate Committee** on March 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Insurance and Consumer Protection Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Insurance and Consumer Protection**.

S.B. 294, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

S.B. 703, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

WITHDRAWAL FROM CALENDAR

S.B. 643, A BILL TO BE ENTITLED AN ACT MAKING MISCELLANEOUS CHANGES IN THE ZONING AUTHORITY OF DURHAM COUNTY, placed on the Calendar for Thursday, April 19.

Senator Hoyle offers a motion that the bill be withdrawn from the Calendar of Thursday, April 19, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Thursday, April 19, and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 887, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 23.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, upon second reading, as amended by a material amendment on April 17.

Senator Foxx offers Amendment No. 2 which is adopted (47-0). Amendment No. 2 is ruled material, which constitutes first reading.

Senator Plyler offers Amendment No. 3 which is adopted (46-0). Amendment No. 3 is ruled material, which constitutes first reading.

The Committee Substitute bill, as amended, remains on the Calendar, for second reading.

H.B. 19 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote,

ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar, upon third reading.

S.B. 666 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS RELATING TO THE CERTIFICATION OF WELL CONTRACTORS AND TO INCREASE THE MAXIMUM CIVIL PENALTY THAT MAY BE ASSESSED FOR VIOLATIONS OF THE WELL CONTRACTORS CERTIFICATION ACT OR THE WELL CONSTRUCTION ACT.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, April 19.

S.B. 402, A BILL TO BE ENTITLED AN ACT REPEALING THE SUNSET PROVISION RELATING TO THE REDEFINITION OF THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS AND THE ONE AND ONE-HALF TIMES TEST.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 441, A BILL TO BE ENTITLED AN ACT TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE GOVERNOR AND TO MAKE CORRESPONDING STATUTORY CHANGES.

The bill passes its second reading by a three-fifths majority vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: Senators Reeves and Webster—2.

The bill passes its third reading by a three-fifths majority vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—46.

Voting in the negative: Senators Reeves and Webster—2.

The bill is ordered sent to the House of Representatives.

S.B. 459 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND NORTH CAROLINA'S INSURANCE LAWS CONCERNING INSURANCE COMPANY RESERVING METHODS, LICENSING PROVISIONS, REINSURANCE FOR DOMESTIC COMPANIES, DOMESTIC COMPANY FORMATION, SOLVENCY PROTECTION, LIFE INSURANCE COMPANY VARIABLE ACCOUNTS, CONSOLIDATIONS, INVESTMENTS, MUTUAL INSURANCE COMPANIES, REINSURANCE INTERMEDIARIES, MORTGAGE GUARANTY INSURANCE, RISK-BASED CAPITAL REQUIREMENTS, ASSET PROTECTION, FOREIGN INSURANCE COMPANIES, PROMOTING AND HOLDING COMPANIES, HOLDING COMPANY SYSTEMS, SURPLUS LINES INSURANCE, RISK RETENTION GROUPS, INSURANCE COMPANY RECEIVERSHIPS, MANAGING GENERAL AGENTS, SELF-INSURED WORKERS' COMPENSATION, AND CONTINUING CARE RETIREMENT COMMUNITIES; AND TO ALLOW NORTH CAROLINA DOMESTIC INSURANCE COMPANIES TO FORM PROTECTED CELLS TO ACCESS ALTERNATIVE SOURCES OF CAPITAL AND ACHIEVE THE BENEFITS OF SECURITIZATION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 1089, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE OFFICE OF INFORMATION TECHNOLOGY SERVICES TO CHARGE INTEREST FOR PAST-DUE ACCOUNTS RECEIVABLE OWED TO THE OFFICE BY STATE AGENCIES, placed earlier on the Calendar for Thursday, April 19.

Senator Odom offers a motion that the bill be withdrawn from the Calendar for Thursday, April 19, and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Thursday, April 19, and re-refers the measure to the **Appropriations/Base Budget Committee.**

CALENDAR *(continued)*

S.B. 712, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE EIGHT-YEAR TERMS FOR DISTRICT COURT JUDGES.

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 30, noes 18, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Carter, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Weinstein and Wellons—30.

Voting in the negative: Senators Albertson, Allran, Ballantine, Berger, Bingham,

Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Kerr, Moore, Rucho, Swindell, Thomas and Webster—18.

The Committee Substitute bill passes its third reading by a three-fifths majority vote, ayes 31, noes 17, as follows:

Voting in the affirmative: Senators Ballance, Basnight, Carrington, Carter, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Weinstein and Wellons—31.

Voting in the negative: Senators Albertson, Allran, Ballantine, Berger, Bingham, Carpenter, Forrester, Foxx, Garwood, Hartsell, Horton, Kerr, Moore, Rucho, Swindell, Thomas and Webster—17.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

The Committee Substitute bill passes its second reading (42-6) and third reading (42-6) and is ordered sent to the House of Representatives.

S.B. 746 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ENHANCED SENTENCES AS RECOMMENDED BY THE SENTENCING COMMISSION.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 785, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CONTINUING LEGAL EDUCATION REQUIREMENTS ATTORNEYS SERVING ON THE GOVERNING BODY OF A MUNICIPALITY OR COUNTY.

The bill passes its second (34-14) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEE

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS MITIGATION BANKING CREDITS, with a favorable report.

S.B. 538, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ALLOW MORE FLEXIBILITY IN CREATING TWO-COUNTY INDUSTRIAL PARKS, with a favorable report.

S.B. 653, A BILL TO BE ENTITLED AN ACT TO CREATE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY SPECIAL TAX DISTRICT AND TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES, with a favorable report.

S.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS, with a favorable report.

S.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES, with a favorable report.

S.B. 327, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7630, which changes the title to read **S.B. 327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WILSON, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1078, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY REQUIRING REDUCTIONS IN THE EMISSIONS OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7637 is adopted and engrossed.

CALENDAR (*continued*)

S.B. 819, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON WHO PLEADS GUILTY OR NO CONTEST TO A CLASS H OR I FELONY IN DISTRICT COURT AND RECEIVES A PROBATIONARY SENTENCE WILL HAVE ANY RESULTING PROBATION VIOLATION HEARING HELD IN DISTRICT COURT, AND THAT AN APPEAL FROM A SUBSEQUENT PROBATION REVOCATION WILL BE HEARD IN THE COURT OF APPEALS.

The President orders, without objection, the bill temporarily displaced.

S.B. 848, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS.

The bill passes its second reading (47-1).

Senator Plyler objects to third reading of the measure. Upon motion of Senator Plyler, the measure is placed on the Calendar for tomorrow, Tuesday, April 24.

S.B. 819, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON WHO PLEADS GUILTY OR NO CONTEST TO A CLASS H OR I FELONY IN DISTRICT COURT AND RECEIVES A PROBATIONARY SENTENCE WILL HAVE ANY RESULTING PROBATION VIOLATION HEARING HELD IN DISTRICT COURT, AND THAT AN APPEAL FROM A SUBSEQUENT PROBATION REVOCATION WILL BE HEARD IN THE COURT OF APPEALS, temporarily

displaced earlier.

The bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

S.J.R. 853, A JOINT RESOLUTION ACCEPTING PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE.

The joint resolution passes its second reading by a three-fifths majority vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The joint resolution passes its third reading by a three-fifths majority vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The joint resolution is ordered sent to the House of Representatives.

S.B. 854, A BILL TO BE ENTITLED AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE; TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE; TO CODIFY THESE REMOVALS; AND TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM.

The bill passes its second reading by a three-fifths majority vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill passes its third reading by a three-fifths majority vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS, placed on the Calendar for tomorrow, Thursday, April 19.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from the Calendar for April 19, and placed at the end of today's Calendar.

CALENDAR (*continued*)

S.B. 882, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 910, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ISSUE AN ORDER FOR ARREST WHEN A DEFENDANT FAILS TO APPEAR IN COURT AFTER RECEIVING A CITATION FOR A MISDEMEANOR.

The bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 1004, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 387, A BILL TO BE ENTITLED AN ACT REQUIRING THE STATE LICENSING BOARD OF GENERAL CONTRACTORS TO ESTABLISH MINIMUM EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR LICENSURE AS GENERAL CONTRACTORS, placed earlier at the end of today's Calendar.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (43-5) and third readings and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution, which is read the first time and disposed of, as follows:

H.J.R. 701, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA.

Referred to **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 142 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS

AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Senator Hagan offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for tomorrow, Thursday, April 19, and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for tomorrow, Thursday, April 19, and re-refers the measure to the **Judiciary II Committee**.

Upon motion of Senator Basnight, seconded by Senator Carter, the Senate adjourns, subject to receipt of messages from the House of Representatives, at 5:02 P.M. to meet tomorrow, Thursday, April 19, at 12:00 P.M.

FIFTIETH DAY

Senate Chamber
Thursday, April 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, there are times when we must have things our way or no way at all. There's a diagnosis for that kind of behavior in Matthew's Gospel where it states that we are much better at finding the splinter in another's eye than noticing the log in our own eye.

"Remind us that those splinters we would remove from others' eyes are so closely related to their giftedness that we can't truly eradicate their faults without eliminating their great virtues. Help us to so live. To your glory, Amen."

The Chair grants leaves of absence for today to Senator Cunningham, Senator Martin of Pitt, Senator Moore and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Harlan Arthur McCulloch from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Pearce from Lexington, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 911, A BILL TO BE ENTITLED AN ACT CONCERNING CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION, with a favorable report.

S.B. 825, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ADMINISTRATIVE LAW JUDGE TO STAY A CONTESTED CASE PENDING THE OUTCOME OF AN APPEAL CHALLENGING THE JURISDICTION OF THE OFFICE OF ADMINISTRATIVE HEARINGS TO HEAR THE CASE; AND TO CLARIFY THAT SUPERIOR COURT MAY GRANT INJUNCTIVE AND DECLARATORY RELIEF WITHOUT REGARD TO EXHAUSTION OF ADMINISTRATIVE REMEDIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7631, which changes the title to read **S.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT ACT, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REPEAL THE WAITING PERIOD FOR COVERAGE UNDER THE NORTH CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN (NORTH CAROLINA HEALTH CHOICE), with a favorable report.

S.B. 826, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3813 is adopted and engrossed.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 754, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED SCHOOL EMPLOYEES TO RETURN TO THE CLASSROOM THE NEXT YEAR WITHOUT LOSING RETIREMENT BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6107, which changes the title to read **S.B. 754** (Committee Substitute), A BILL TO BE ENTITLED AN ACT

TO ENABLE RETIRED SCHOOL EMPLOYEES TO RETURN TO SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS, is adopted and engrossed.

Upon motion of Senator Lucas, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

S.B. 805, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE RETIRED TEACHERS TO RETURN TO THE CLASSROOM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6707 is adopted and engrossed.

Upon motion of Senator Lucas, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

S.B. 933, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED TEACHERS AND PRINCIPALS TO RETURN TO THE PUBLIC SCHOOLS THE NEXT YEAR WITHOUT LOSING RETIREMENT BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1647, which changes the title to read **S.B. 933** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE RETIRED PUBLIC SCHOOL PROFESSIONALS TO RETURN TO THE PUBLIC SCHOOLS WITHOUT LOSING RETIREMENT BENEFITS, is adopted and engrossed.

Upon motion of Senator Lucas, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 300, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7638 is adopted and engrossed.

S.B. 631, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3816, which changes the title to read **S.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO INCREASE THE NUMBER OF MEMBERS OF THE CITY COUNCIL AND TO MAKE OTHER RELATED CHANGES, is adopted and engrossed.

H.B. 85, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6244 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6700 is adopted and engrossed.

H.B. 142 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7169, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 302, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S CONSERVATION LAB TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART AND TO CHARGE A FEE FOR THIS SERVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8635, which changes the title to read **S.B. 302** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S REGIONAL CONSERVATION SERVICES PROGRAM TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART, is adopted and engrossed.

S.B. 352, A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3814 is adopted and engrossed.

S.B. 823, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5662 is adopted and engrossed.

S.B. 829, A BILL TO BE ENTITLED AN ACT TO CLARIFY TREATMENT OF CERTAIN SECURITY INTERESTS CREATED BY THE STATE OR GOVERNMENTAL UNITS OF THE STATE UNDER ARTICLE 9 OF THE NORTH CAROLINA UNIFORM COMMERCIAL CODE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5661 is adopted and engrossed.

S.B. 888, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES, TO PROVIDE FOR A BEAR/WILD BOAR HUNTING LICENSE, AND TO MAKE OTHER CHANGES AFFECTING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7640 is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Committee Substitute bill is placed at the end of today's Calendar.

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

S.B. 801, A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE FIREMEN REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8634 is adopted and engrossed.

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 265, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING NONHAZARDOUS SOLID WASTE MANAGEMENT BY PROHIBITING THE DEPARTMENT OF TRANSPORTATION FROM BURNING YARD TRASH AND OTHER ORGANIC SOLID WASTE IN HIGHWAY CONSTRUCTION AND MAINTENANCE PROJECTS AND REQUIRING THE DEPARTMENT OF TRANSPORTATION TO RECYCLE OR REUSE THIS WASTE, with a favorable report.

Upon motion of Senator Shaw of Cumberland, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 380, A BILL TO BE ENTITLED AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES, with a favorable report.

S.B. 731, A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS, with a favorable report.

S.B. 942, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER LICENSE PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS, with a favorable report.

Upon motion of Senator Shaw of Cumberland, the bill is re-referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

H.J.R. 701, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on April 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed at the beginning of today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it at the beginning of today's Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 348, A BILL TO BE ENTITLED AN ACT TO REPEAL MISCELLANEOUS FEES PAID BY INSURANCE COMPANIES TO THE DEPARTMENT OF INSURANCE; AND TO INCREASE THE INSURANCE COMPANY LICENSE APPLICATION AND RENEWAL FEES TO MAKE THE REPEALS REVENUE NEUTRAL.

Referred to **Finance Committee**.

H.B. 356 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES.

Referred to **Commerce Committee**.

H.B. 504 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874 MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS.

Referred to **State and Local Government Committee**.

H.B. 576, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE CIVIL ACTIONS OF ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

Referred to **Judiciary II Committee**.

H.B. 608 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

Referred to **Education/Higher Education Committee**.

H.B. 661, A BILL TO BE ENTITLED AN ACT AUTHORIZING GASTON COUNTY TO INCREASE THE SIZE OF ITS BOARD OF SOCIAL SERVICES.
Referred to **State and Local Government Committee**.

H.B. 752 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.
Referred to **State and Local Government Committee**.

H.B. 955, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.
Referred to **Judiciary I Committee**.

H.B. 1002, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MEMBERS OF A HOSPITAL AUTHORITY BOARD ARE A PUBLIC BODY AND HAVE THE RIGHT TO SUE AND BE SUED.
Referred to **Judiciary I Committee**.

H.B. 1053, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR.
Referred to **Judiciary I Committee**.

H.B. 1067 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.
Referred to **Commerce Committee**.

H.B. 1084, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.
Referred to **Judiciary I Committee**.

H.B. 1099, A BILL TO BE ENTITLED AN ACT TO ALLOW LETTERS OF CREDIT TO SUBSTITUTE FOR SURETY BONDS TO MEET CERTAIN STATUTORY REQUIREMENTS.
Referred to **Judiciary I Committee**.

H.B. 1111, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DUTIES OF THE SOIL AND WATER CONSERVATION COMMISSION TO INCLUDE DEVELOPING A PROGRAM REGARDING THE APPROVAL OF TECHNICAL SPECIALISTS AND THE DEVELOPMENT AND APPROVAL OF CERTAIN BEST MANAGEMENT PRACTICES.
Referred to **Agriculture/Environment/Natural Resources Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROVISION IN THE NORTH CAROLINA SECURITIES ACT, with a favorable report.

S.B. 310, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE, with a favorable report.

S.B. 641, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT RULES TO EXPAND THE DEFINITION OF UNIVERSAL SERVICE TO INCLUDE STATEWIDE INTERNET ACCESS AND OTHER TECHNOLOGICAL TELECOMMUNICATIONS ADVANCES, with a favorable report.

S.B. 649, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION, with a favorable report.

WITHDRAWALS FROM COMMITTEES

S.B. 392, A BILL TO BE ENTITLED AN ACT TO HONOR THE MEMORY OF MATTHEW SHEPARD BY EXPANDING THE SCOPE OF THE HATE CRIME LAWS AND INCREASING THE CRIMINAL PENALTY FOR COMMITTING A HATE CRIME, referred to the **Judiciary II Committee** on March 12.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 907, A BILL TO BE ENTITLED AN ACT PROVIDING THAT ORGAN DONATION BY A DECEASED INDIVIDUAL IS PRESUMED UNDER CERTAIN CIRCUMSTANCES, referred to the **Judiciary II Committee** on April 5.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS, referred to the **Appropriations/Base Budget Committee** on April 18.

Pursuant to Rule 47(a), Senator Lee offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, April 23, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, April 23.

CALENDAR

H.J.R. 701, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA, placed earlier on today's Calendar.

The joint resolution passes its second (46-0) and third readings and is ordered enrolled.

H.B. 19 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, as amended, upon second reading.

Senator Ballantine offers Amendment No. 4 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—45.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill, as amended, remains on the Calendar for Monday, April 23, upon third reading.

S.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WILSON, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, April 23, upon third reading.

S.B. 653, A BILL TO BE ENTITLED AN ACT TO CREATE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY SPECIAL TAX DISTRICT AND TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 23, upon third reading.

H.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled.

H.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW JOHNNY S. MYERS TO CONVEY CERTAIN PROPERTY TO THE COUNTY OF YADKIN.

The bill passes its second and third readings and is ordered enrolled.

H.B. 702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS MITIGATION BANKING CREDITS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 768 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE ACT CONSISTENT WITH STRUCTURED SENTENCING.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 777, A BILL TO BE ENTITLED AN ACT TO REPEAL THE GASTONIA FIREMEN'S SUPPLEMENTARY PENSION FUND.

The bill passes its second and third readings and is ordered enrolled.

H.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED

PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION FACILITIES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 262 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IMPROPERLY CHARGED WITH A CRIMINAL OFFENSE AS A RESULT OF IDENTITY FRAUD MAY HAVE HIS OR HER RECORD EXPUNGED.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 538, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ALLOW MORE FLEXIBILITY IN CREATING TWO-COUNTY INDUSTRIAL PARKS.

The President orders, without objection, the bill temporarily displaced.

S.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 701, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PERSONS WHO WERE INSTRUMENTAL IN THE DEVELOPMENT OF THE ELIZABETHAN GARDENS, A CULTURAL TREASURE IN THE STATE OF NORTH CAROLINA. (Res. 9).

CALENDAR (*continued*)

S.B. 690, A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 715, A BILL TO BE ENTITLED AN ACT TO REQUIRE COLLABORATION BETWEEN THE DIVISION OF SOCIAL SERVICES AND THE COMMISSION OF INDIAN AFFAIRS AND THE NORTH CAROLINA DIRECTORS OF SOCIAL SERVICES ASSOCIATION ON INDIAN CHILD WELFARE ISSUES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 752, A BILL TO BE ENTITLED AN ACT TO ADD AN APPOINTEE OF THE INDIGENT DEFENSE SERVICES COMMISSION TO THE STATE JUDICIAL COUNCIL.

Senator Ballance offers Amendment No. 1 which is adopted (45-1).

The bill, as amended, passes its second (45-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 836, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 951, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION.

Senator Miller offers Amendment No. 1 which is adopted (45-0).

The bill, as amended, passes its second (39-6) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 538, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ALLOW MORE FLEXIBILITY IN CREATING TWO-COUNTY INDUSTRIAL PARKS, temporarily displaced earlier.

Senator Horton offers Amendment No. 1 which is adopted (46-0).

The bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS CONTRACTING WITH THE PUBLIC SCHOOLS FROM DISCLOSING INFORMATION ABOUT STUDENTS FOR A BUSINESS PURPOSE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1023, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1075, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

IMPROVE AIR QUALITY IN THE STATE BY REQUIRING REDUCTIONS IN THE EMISSIONS OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 740, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE SERVICES COMMISSION TO OPERATE THE SNACK BAR IN THE LEGISLATIVE OFFICE BUILDING.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES, TO PROVIDE FOR A BEAR/WILD BOAR HUNTING LICENSE, AND TO MAKE OTHER CHANGES AFFECTING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION, placed earlier on today's Calendar.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY REQUIRING REDUCTIONS IN THE EMISSIONS OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 23.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXTEND BY FIVE YEARS THE SUNSET REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS, with a favorable report.

S.B. 955, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS, with a favorable report.

S.B. 541, A BILL TO BE ENTITLED AN ACT PERTAINING TO LICENSING OF CERTAIN INSTITUTIONS OR FACILITIES WHOSE WATER SOURCE IS A SPRING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5664, which changes the title to read **S.B. 541** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY FOSTER HOMES OR THERAPEUTIC HOMES FROM SANITATION REQUIREMENTS, is adopted and engrossed.

S.B. 827, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET FOR CERTAIN PROVISIONS REGARDING CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1649, which changes the title to read **S.B. 827** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION, is adopted and engrossed.

Upon the appearance of Senator Moore in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (*continued*)

S.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES, TO PROVIDE FOR A BEAR/WILD BOAR HUNTING LICENSE, AND TO MAKE OTHER CHANGES AFFECTING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION, temporarily displaced earlier.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWALS FROM COMMITTEES

S.B. 1024, A BILL TO BE ENTITLED AN ACT TO AMEND THE MANNER IN WHICH MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ARE APPOINTED, referred to the **Rules and Operations of the Senate Committee** on April 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources**.

S.B. 559, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE, referred to the **Rules and Operations of the Senate Committee** on March 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee**.

S.B. 562, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE, referred to the **Rules and Operations of the Senate Committee** on March 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and**

Local Government Committee, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee**.

S.B. 476, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

S.B. 716, A BILL TO BE ENTITLED AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS, referred to the **Judiciary II Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns at 1:36 P.M., subject to receipt of committee reports and in honor of the Elizabethan Gardens, to meet Monday, April 23, at 7:00 P.M.

FIFTY-FIRST DAY

Senate Chamber
Monday, April 23, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, it is one thing to ask that during the week ahead, the men and women of the Senate experience happiness even amidst the hectic schedule of crossover week. Because happiness turns up more or less where we would expect it, after a good conversation, a good meal, or hearing a funny story with friends.

"But more than happiness, I pray that the Senate family experience joy in what they are called to do here. Instead of the temporary excitement of highs and lows that flair up one hour and subside the next, give them a joy that flows inside them like an underground spring from the Blue Ridge Mountains.

"You said, O God, that you have spoken to us so that your joy may be in us and that our joy may be full. Unlike happiness, joy is as unpredictable as you, O God, who bequeaths it. Surprise us this week with joy in our lives. Amen."

The Chair grants leaves of absence for tonight to Senator Martin of Pitt and Senator Reeves.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Emily Louise Bray from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sue Hohenhaus from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 740, AN ACT AUTHORIZING THE LEGISLATIVE SERVICES COMMISSION TO OPERATE THE SNACK BAR IN THE LEGISLATIVE OFFICE BUILDING.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 290, AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND.

H.B. 656, AN ACT TO ALLOW JOHNNY S. MYERS TO CONVEY CERTAIN PROPERTY TO THE COUNTY OF YADKIN.

H.B. 702, AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS MITIGATION BANKING CREDITS.

H.B. 768, AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE ACT CONSISTENT WITH STRUCTURED SENTENCING.

H.B. 777, AN ACT TO REPEAL THE GASTONIA FIREMEN'S SUPPLEMENTARY PENSION FUND.

H.B. 885, AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION FACILITIES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 45, AN ACT TO CLARIFY AND STRENGTHEN THE LAW PERTAINING TO PERSONS WHO INTERFERE WITH THE OPERATION OF PUBLIC SCHOOL

BUSES. (Became law upon approval of the Governor, April 19, 2001– S.L. 2001-26).

S.B. 118, AN ACT AUTHORIZING THE NORTH CAROLINA MEDICAL BOARD TO REQUIRE ANY PERSON TREATING A PATIENT BY USE OF THE INTERNET OR A TOLL-FREE TELEPHONE NUMBER TO OBTAIN A LICENSE IN THIS STATE AND TO PERMIT THE MEDICAL BOARD TO BRING AN ACTION FOR INJUNCTIVE RELIEF AGAINST NONRESIDENTS IN THE DISTRICT WHERE THE BOARD RESIDES. (Became law upon approval of the Governor, April 19, 2001– S.L. 2001-27).

H.B. 286, AN ACT TO CLARIFY THE APPLICABILITY OF DISEASE REPORTING AND INVESTIGATION REQUIREMENTS TO ALL DIAGNOSTIC LABORATORIES. (Became law upon approval of the Governor, April 19, 2001– S.L. 2001-28).

H.B. 18, AN ACT TO ALLOW COUNTIES ADVERSELY AFFECTED BY THE FLOODS ACCOMPANYING HURRICANE FLOYD TO DISPOSE OF CERTAIN PROPERTY AT PRIVATE SALE. (Became law upon approval of the Governor, April 19, 2001– S.L. 2001-29).

H.B. 290, AN ACT TO ADD TWO ADDITIONAL MEMBERS TO THE INTERIM COUNCIL OF THE TOWN OF MIDLAND. (Became law upon ratification, April 23, 2001– S.L. 2001-30.)

H.B. 656, AN ACT TO ALLOW JOHNNY S. MYERS TO CONVEY CERTAIN PROPERTY TO THE COUNTY OF YADKIN. (Became law upon ratification, April 23, 2001– S.L. 2001-31.)

H.B. 702 AN ACT TO AUTHORIZE TYRRELL COUNTY TO DISPOSE OF WETLANDS MITIGATION BANKING CREDITS. (Became law upon ratification, April 23, 2001– S.L. 2001-32).

H.B. 768 AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE ACT CONSISTENT WITH STRUCTURED SENTENCING. (Became law upon ratification, April 23, 2001– S.L. 2001-33.)

H.B. 777, AN ACT TO REPEAL THE GASTONIA FIREMEN'S SUPPLEMENTARY PENSION FUND. (Became law upon ratification, April 23, 2001– S.L. 2001-34).

H.B. 885, AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO DESIGNATE CERTAIN TOWN-OWNED PROPERTY TO BE USED FOR ASSISTED LIVING AND ENVIRONMENTAL EDUCATION FACILITIES. (Became law upon ratification, April 23, 2001– S.L. 2001-35.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 109, A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4623 is adopted and engrossed.

S.B. 780, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2670 is adopted and engrossed.

S.B. 795, A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT, AND TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT, AND TO CLARIFY THAT THE ACT APPLIES TO BUSINESS FORMS IN ADDITION TO CORPORATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1651 is adopted and engrossed.

S.B. 880, A BILL TO BE ENTITLED AN ACT TO OVERTURN THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND TO PROHIBIT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6708, which changes the title to read **S.B. 880** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND TO PROHIBIT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE

ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, is adopted and engrossed.

S.B. 931, A BILL TO BE ENTITLED AN ACT TO REQUIRE A JUDGE TO CONDUCT OVERSIGHT OF THE DISCOVERY PROCESS IN A CAPITAL CASE TO ENSURE COMPLIANCE WITH CONSTITUTIONAL AND STATUTORY LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5668 is adopted and engrossed.

S.B. 93, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NORTH CAROLINA COURT OF APPEALS TO CONDUCT EN BANC PROCEEDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6709 is adopted and engrossed.

S.B. 787, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2671, which changes the title to read **S.B. 787** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE, is adopted and engrossed.

S.B. 912, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PENALTIES FOR FILING OR PERFECTING FALSE STATUTORY LIENS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3821, which changes the title to read **S.B. 912** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO REFUSE TO INDEX, DOCKET, OR RECORD FRAUDULENT CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING FALSE STATUTORY LIENS, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 269, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF INVESTMENT ADVISER REPRESENTATIVE; TO ALLOW MULTIPLE REGISTRATION OF INVESTMENT ADVISER REPRESENTATIVES FOR CERTAIN PURPOSES; AND TO REVISE THE REGISTRATION AND NOTICE FILING PROCEDURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3817 is adopted and engrossed.

S.B. 817, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BUILDING CODE COUNCIL TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1653 is adopted and engrossed.

By Senator Kinnaird for the **Children & Human Resources Committee**:

S.B. 279, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A FAMILY DRUG TREATMENT COURT PROGRAM IN NORTH CAROLINA AND TO FUND THE PROGRAM, AS RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1652 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS, with a favorable report.

S.B. 803, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY, with a favorable report.

By Senator Lucas for the **Education/Higher Education Committee**:

S.B. 927, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAWS CONCERNING CHILDREN WITH DISABILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3815, which changes the title to read **S.B. 927** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAWS CONCERNING CHILDREN WITH DISABILITIES AND TO MAKE AN APPROPRIATION, is adopted and engrossed.

With unanimous consent, upon motion of Senator Lucas, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MOTORCYCLE INSURANCE RATES ARE SET IN ACCORDANCE WITH THE LAW REGULATING INSURANCE RATES RATHER THAN ESTABLISHED BY THE NORTH CAROLINA RATE BUREAU, with a favorable report.

S.B. 318, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS ON

LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS, AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3811 is adopted and engrossed.

S.B. 321, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SHARING OF INFORMATION PRODUCED BY, OBTAINED BY, OR DISCLOSED TO THE INSURANCE COMMISSIONER UNDER THE EXAMINATION LAW; AND TO CLARIFY THAT THE EXAMINATION LAW APPLIES TO ALL PERSONS SUBJECT TO REGULATION BY THE INSURANCE COMMISSIONER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3812, which changes the title to read **S.B. 321** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SHARING OF INFORMATION PRODUCED BY, OBTAINED BY, OR DISCLOSED TO THE INSURANCE COMMISSIONER UNDER THE EXAMINATION LAW; AND TO CLARIFY THAT THE EXAMINATION LAW APPLIES TO ALL ENTITIES SUBJECT TO REGULATION BY THE INSURANCE COMMISSIONER, is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 70, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, with a favorable report.

S.B. 876, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ATTENDANCE AT A DAY REPORTING CENTER BE A LEVEL ONE DISPOSITION FOR DELINQUENT JUVENILES, with a favorable report.

S.B. 964, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COMPENSATION TO PERSONS ERRONEOUSLY CONVICTED IS LIMITED TO AN AWARD FOR PECUNIARY LOSS AND THAT THE IMPRISONMENT FOR WHICH COMPENSATION IS MADE INCLUDES TIME SERVED AWAITING TRIAL, AND TO INCREASE THE AMOUNT OF COMPENSATION ALLOWED FOR PERSONS ERRONEOUSLY CONVICTED, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 753, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT BY INCREASING REIMBURSEMENT FOR FUNERAL EXPENSES AND WORK LOSS AND BY PROVIDING THAT WORK LOSS INCLUDES LOST WAGES FOR TIME SPENT IN COURT AND COURT-RELATED TRANSPORTATION COSTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1646 is adopted and engrossed.

With unanimous consent, upon motion of Senator Hagan, the bill is re-referred to the

Appropriations/Base Budget Committee.

S.B. 1098, A BILL TO BE ENTITLED AN ACT TO PLACE A MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8636, which changes the title to read **S.B. 1098** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40 AND TO REMOVE THE SUNSET, is adopted and engrossed.

With unanimous consent, upon motion of Senator Hagan, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Garrou for the **Information Technology Committee**:

S.B. 895, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5666 is adopted and engrossed.

S.B. 1070, A BILL TO BE ENTITLED AN ACT ESTABLISHING A DISPUTE RESOLUTION PROCEDURE TO ASSIST THE OFFICE OF INFORMATION TECHNOLOGY IN THE COLLECTION OF FEES RELATED TO INFORMATION TECHNOLOGY SERVICES PROVIDED BY THE OFFICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4622 is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

S.B. 937, A BILL TO BE ENTITLED AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2669 is adopted and engrossed.

WITHDRAWALS FROM COMMITTEE

S.B. 512, A BILL TO BE ENTITLED AN ACT TO SUSPEND THE APPLICATION OF THE STATEWIDE STUDENT ACCOUNTABILITY STANDARDS UNTIL ADEQUATE RESOURCES ARE AVAILABLE TO ENSURE THAT ALL STUDENTS HAVE A FULL AND FAIR OPPORTUNITY TO PASS THESE STANDARDS, referred to the **Education/Higher Education Committee** on March 19.

Pursuant to Rule 47(a), Senator Dalton offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 762, A BILL TO BE ENTITLED AN ACT TO ENSURE FAIRNESS IN THE

NORTH CAROLINA STATEWIDE TESTING PROGRAM, referred to the **Education/Higher Education Committee** on April 2.

Pursuant to Rule 47(a), Senator Dalton offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, upon third reading, as amended on second reading.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WILSON, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 653, A BILL TO BE ENTITLED AN ACT TO CREATE THE FOOTHILLS REGIONAL AIRPORT AUTHORITY SPECIAL TAX DISTRICT AND TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 631 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO INCREASE THE NUMBER OF MEMBERS OF THE CITY COUNCIL AND TO MAKE OTHER RELATED CHANGES.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 1019, A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5667 is adopted and engrossed.

Upon the appearance of Senator Reeves in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (*continued*)

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, temporarily displaced earlier, upon third reading, as amended on second reading.

Senator Hoyle offers Amendment No. 5 which is adopted (48-0).

Amendment No. 5 is held to be material and constitutes first reading.

Senator Cunningham offers Amendment No. 6, which is adopted (49-0).

Amendment No. 6 is held to be material and constitutes first reading.

Having voted in the majority, Senator Foxx offers a motion that the rules be suspended and that the vote by which the Committee Substitute bill passed its second reading on April 19 be reconsidered, which motion prevails (47-1).

Having voted with the majority, Senator Foxx offers a motion that the vote by which Amendment No. 2 was adopted on April 19 be reconsidered, which motion prevails (49-0).

Senator Foxx subsequently withdraws Amendment No. 2.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, April 24, for second reading.

S.B. 173 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Senator Berger offers Amendment No. 1.

Senator Ballance offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Senator Webster offers a motion that Amendment No. 2 do lie upon the table, seconded by Senator Ballantine.

The motion fails to prevail (19-30).

Amendment No. 2 offered by Senator Ballance as a substitute for Amendment No. 1 is adopted (26-23) and changes the title to read **S.B. 173** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION AND TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY IN ALL OTHER CAPITAL CASES.

Senator Berger offers Amendment No. 3 which fails of adoption (19-30).

Senator Berger offers Amendment No. 4 which is adopted (49-0).

Senator Odom offers Amendment No. 5 as a perfecting amendment to Amendment No 4.

Amendment No. 5 offered by Senator Odom as a perfecting amendment to Amendment No. 4 is adopted (49-0) and changes the title to read **S.B. 173** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH.

The Committee Substitute bill, as amended, passes its second (31-18) and third readings and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Shaw of Cumberland, the remarks of Senator Ballance and Senator Horton on Senate Bill 173 are spread upon the Journal, as follows:

Senator Ballance:

"Thank you, Madame President, Members of the Senate. This issue has been with us now for a good long time, and I submit to you that we have before us one of the great moral issues of our time, and that is whether to have on our books the law that would call for the affliction of death upon a person who is mentally retarded. I want to begin with a reference to the Holy Bible. I know we have many Sunday School scholars here, but I'll tell you it's Joshua, Chapter 20, and for those of you who don't go to Sunday School, page 214 if you want to follow me along. 'The Lord also spake unto Joshua saying, Speak to the children of Israel, saying appoint out for you cities of refuge whereof I spake unto you by the hand of Moses, that the slayer that killeth any person unawares and unwittingly may flee thither, and they shall be your refuge from the avenger of blood.' Now at this time in our history, if a person were to be killed, it was the duty of each family member to avenge that death with death, and Joshua was told to appoint out six cities of refuge, three on each side of the Jordan River, and these cities were to be near enough so that anyone who found himself in this circumstance could flee to the city of refuge, and there that person was to be taken in and to remain there until the priest died, and then it was presumed that the death of the priest would avenge the death of the family member and that person could then return home. Now, I want to tell you what the definition is for mentally retarded persons. There is consensus in the medical community regarding the definition of mental retardation. A person is deemed mentally retarded if he or she has significantly sub-average intellectual functioning existing concurrently with impairment in adaptive functioning and manifested before the age of eighteen. The term 'significantly sub-average intellectual functioning' indicates an intelligence quotient, or an IQ of seventy or below on an individually administered, standardized IQ test. That is the definition that is contained in our bill. It is the universally accepted definition of mental retardation. Let me tell you a little bit about persons who are mentally retarded, and I'm referring to a study commission that we conducted two years here in the General Assembly. Persons who suffer from mental retardation are some of our most disabled and most vulnerable citizens. Mental retardation affects both intellectual functioning, that is the ability to

learn, and adaptive functioning, the ability to function in everyday life - to live in an apartment, to buy groceries, to catch a bus, to go to work, and to return home. A mentally retarded person generally has limited reasoning ability, a tendency to act impulsively, has problems with memory and attention. Senator Basnight, I'm having problems with memory myself. Also, mentally retarded persons, and this is one of the keys that we ought to look at, are often highly suggestible and solicitous toward authority figures, i.e., a police officer, a detective, someone investigating a serious murder. There is emerging consensus in the United States that mentally retarded persons should not be subjected to the death penalty. What would happen under this bill? If we were to adopt this bill, and following a hearing before a judge, the defendant were deemed mentally retarded, he would then be subject to life imprisonment without parole. So anybody who would suggest that this bill is being light on criminals misunderstands what we are supposed to do here. The practice of executing the mentally retarded has been forbidden for federal offenses. Of the thirty-eight states in the United States that have capital punishment, thirteen of them do not execute the mentally retarded persons. Two in our neighborhood are Georgia and Tennessee. In Georgia it took the execution of a mentally retarded person for that legislature to turn around and pass the bill making it then unlawful for such executions, and I don't want us to wait that long. Mentally retarded persons, that is someone with an IQ of seventy or below, are in the lowest two or three percent of the population in intelligence. So those who would suggest that a mentally retarded person could fake an IQ or somehow could fool a psychiatrist, I believe are also mistaken. We do not now in North Carolina subject to capital punishment anyone who is under the age of seventeen. A mentally retarded person has the mental age of 12 or under. I'm not going to take a lot of time, Madame President, on this issue, because I believe that most of us have made our choice. We sort of know how we were going to vote on this bill. I do want to tell you one story, relate one story that you've heard before, you're read before, because it's in this report. It's the story of Earl Washington, Jr. Mr. Washington was a twenty-two year old retarded person who lived in Virginia. He had a history of trying to please authority figures. In 1982 there was a vicious rape and murder that occurred in Culpepper, Virginia. The victim lived long enough to tell her husband and the police that a single, black man committed this crime. There were suspects but no arrests. A year later in Warrenton, Virginia, Mr. Washington was arrested for attacking a seventy-eight year old female neighbor. He broke into her house and tried to steal a gun. After the arrest he was brought to the police station and interrogated. Now during that interrogation, Mr. Washington confessed to five separate crimes. In addition to the break-in, he confessed to sexually assaulting the seventy-eight year old female, two other sexual offenses in Culpepper in the last year, and the murder of Mrs. Williams. At his preliminary hearing, the seventy-eight year old female testified that she had not been sexually assaulted. Remember, he had confessed to sexually assaulting her. That charge was dismissed. It turned out that Mr. Washington was not guilty of three other sexual offenses to which he confessed. The police dropped all three of these cases. Mr. Washington was interrogated for over two days on the murder charge of Mrs. Williams. He was asked whether the victim was white or black. He told the police that the victim was black. The police said, 'You mean she really was white, wasn't she?' He said, 'Yes, she was white.' He told the police that nobody was there when it happened and the police said to him, 'Well don't you remember her two children were there, Mr. Washington?' He replied, 'Yes, they were there.' Mr. Washington told the police that he had stabbed her twice, until they informed him that she had been stabbed thirty-eight times. Then he changed his story. Mr. Washington's whole method of going through life was to please those who would question him, and he was willing to do that in this case. I can wind up the story pretty quickly. It later turned out that there was a DNA test of some semen, and it turned out that it was not Mr. Washington's. Therefore, then Governor Doug Wilder commuted this death sentence

to life imprisonment. I have to say this about my friend, Mr. Wilder. He should've commuted this sentence period, but he didn't. And this is the kind of thing that we run into. He was then the Governor of Virginia, the first black man to sit in the Governor's seat, and the allegation was that he wanted to run for United States Senate, and he did not want to have a Willie Horton hung around his neck. But, as God would have it, there was another test, and the second test again proved that this semen and the blood did not belong to the defendant, Mr. Washington, and just recently Governor Gilmore released Mr. Washington from the prisons in the State of Virginia. But it took this man about eleven years, a lot of that time sitting on Death Row. He was innocent, but he was there because he, as a mentally retarded person, sought to please authority figures. I must tell you that we have a member of this General Assembly - I won't narrow it down any closer than that - who has a mentally retarded daughter, and he tells me that she likes to please authority figures. Now, Members of the Senate, this is not a difficult vote. It may be for some, and that's your perception. You have to decide that. I want to tell you that the people of North Carolina, in two polls that I've seen, said that they do not want to execute mentally retarded persons. At the public hearing that we held last week, of all the speakers that spoke out against this bill, not one said that they wanted to execute mentally retarded persons. But they raised an issue that there might be some trickery that would take place which would allow a mentally retarded person to get away with a capital murder. Based on that, reluctantly, the bill has now been amended on page one, line twenty, which says that the tests referred to must be administered prior to the commission of the alleged crime. It doesn't leave any room, and it may leave someone out, because you know mental retardation can come from more than one source. It can come from an automobile accident with brain damage. A person could be thirty-five years of age, but under this bill the test must be administered prior to the act which led to the charge for which the defendant is being tried. I know that there are going to be some proposed amendments. I would ask those of you who are going to support us on this bill, I believe we have a majority, to look very carefully and not, I don't know all the amendments so I can't just say blatantly 'Don't support them', but I would hope that if you look at those amendments we will leave the bill intact as it is, and let's not worry about what the House is going to do, because, I'm a little bit of a history buff. A hundred years from now when people are reading about this issue and this General Assembly, they're not going to focus too much on what the House is going to do as we debate this bill. They're going to focus on what we decided was the morally correct thing for us to do. I would hope that each of us would decide to vote favorably on this bill. Thank you."

Senator Horton:

"Thank you, Madame President. I happen to have been a member of the Legislative Study Commission that considered this bill. There were three bills considered by that commission. I've tried to explain to the Senator from Warren that two of them aren't worth the powder in the shot, but this one is. This simply puts into our statute law a principle that we have had in our common law, that we inherited from England for years and years, and that is a realization that children are impressionable, that they're easily misled, that they're often unaware of the consequences of their acts. And so, in the law we inherited from England, we provide that a child of seven years or less, no matter how smart, is incapable of contributory negligence. Between seven and fourteen he is presumed incapable of contributory negligence. As Senator Ballance has pointed out, in our State we don't execute a child of seventeen or less, although he may be a genius. This act addresses the situation of a child's mind in an adult's body, a retarded person, a person whose age may be the mental age of ten or twelve. That adult body can do some awful things. It can commit homicide. In fact, in our violence saturated civilization, with the television and the violence there, the video games, all the rest, the wonder is we don't see

more of it. But the question comes and is asked over and over, how about feigning? How about making believe on this seventy I.Q. test? A smart guy can really get around that. Well the truth of the matter is that this bill has been very artfully designed to avoid that. There are safeguards in a number of ways. First, the retardation has got to be evidenced before the person is eighteen years of age. Second, they've got to score seventy or less on an individually administered I.Q. test. This would normally be the Wechsler. The Betas that are given in groups wouldn't count. Plus, you've got to have a hearing before a judge. Plus, the test has got to be administered before the crime is committed. Plus, the defendant has got to carry the burden of proof before the judge."

Senator Ballantine:

"Senator Horton, all that said, are you aware that a Superior Court Judge has put a stay on an execution because someone tested sixty-five, so you're really opening a lot of flood gates, are you not?"

Senator Horton:

"Not when you consider this bill in its totality, and sixty-five would, under this bill, be a person of undoubted mental retardation, and so that's what this bill is designed for. Now let me make this entirely clear, as I think Senator Ballance emphasized too, and that is we aren't turning people loose. This is not like a plea of insanity where a person is insane and doesn't go to prison. In this case the defendant, if found guilty, would be imprisoned for the rest of his natural life. This child in the grown-up body, under this bill would not be able to be executed. And, you know, I think I want the world to know that in North Carolina we aren't in the business of executing children."

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REPEAL THE WAITING PERIOD FOR COVERAGE UNDER THE NORTH CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN (NORTH CAROLINA HEALTH CHOICE).

With unanimous consent, upon motion of Senator Purcell, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, April 25.

WITHDRAWALS FROM COMMITTEE

S.B. 346, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 324, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND EXPEDITE CHILD SUPPORT PAYMENTS BY ENABLING AGREEMENTS TO USE CARD WITHDRAWAL ACCOUNTS WITH ACCOUNTABILITY, referred to the **Rules and Operations of the Senate Committee** on April 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

CALENDAR *(continued)*

S.B. 887, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, April 24.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5665 is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 94, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A CONSTITUTIONAL AMENDMENT PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY BY MAKING NECESSARY STATUTORY CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3822, which changes the title to read **S.B. 94** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CONSTITUTIONAL AMENDMENTS PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND FOR SESSION LENGTH LIMITS BY MAKING NECESSARY STATUTORY CHANGES, is adopted and engrossed.

S.B. 104, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9587, which changes the title to read **S.B. 104** (Committee Substitute), A BILL TO BE ENTITLED AN ACT

TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS, is adopted and engrossed.

S.B. 759, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON COMMUTER RAIL TRANSPORTATION LIABILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8637, which changes the title to read **S.B. 759** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, is adopted and engrossed.

S.B. 833, A BILL TO BE ENTITLED AN ACT TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER A PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3823, which changes the title to read **S.B. 833** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT ILLEGAL TO POSSESS ANY FORM OF FALSE IDENTIFICATION WHILE ATTEMPTING TO OBTAIN ALCOHOLIC BEVERAGES WHEN UNDERAGE, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW MAKING IT A FELONY FOR AN INSURANCE FIDUCIARY TO CAUSE TERMINATION OF GROUP HEALTH OR LIFE INSURANCE COVERAGE BY NONPAYMENT OF PREMIUM WITHOUT GIVING NOTICE TO MEMBERS OF THE GROUP.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 274, A BILL TO BE ENTITLED AN ACT TO REPEAL AN OBSOLETE PROVISION IN THE NORTH CAROLINA SECURITIES ACT.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 300 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 302 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S REGIONAL CONSERVATION

SERVICES PROGRAM TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 310, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

S.B. 380, A BILL TO BE ENTITLED AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Jordan.

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM INTO AN UNOCCUPIED BUILDING, VEHICLE, OR OTHER ENCLOSURE.

Senator Carter offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (41-7).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, April 24.

The President extends privileges of the floor to former Senator Elaine Marshall, Secretary of State.

S.B. 541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY FOSTER HOMES OR THERAPEUTIC HOMES FROM SANITATION REQUIREMENTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES.

The Committee Substitute bill passes its second reading (48-0) and is temporarily displaced.

S.B. 641, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH

CAROLINA UTILITIES COMMISSION TO ADOPT RULES TO EXPAND THE DEFINITION OF UNIVERSAL SERVICE TO INCLUDE STATEWIDE INTERNET ACCESS AND OTHER TECHNOLOGICAL TELECOMMUNICATIONS ADVANCES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 649, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONSPICUOUS DISCLOSURE OF MOTOR VEHICLE DEALER ADMINISTRATIVE FEES AND FINANCE YIELD CHARGES AND TO INCREASE DEALER SURETY BOND PROTECTION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES, temporarily displaced earlier.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S.B. 731, A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PILOT PROGRAMS ON TEACHING PERSONAL FINANCIAL LITERACY IN THE PUBLIC SCHOOLS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 783, A BILL TO BE ENTITLED AN ACT TO EXTEND BY FIVE YEARS THE SUNSET REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 801 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE FIREMEN REPORTING REQUIREMENTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 823 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A

STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT ACT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 826 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK FOR CERTAIN LONG-TERM CARE FACILITIES BECAUSE OF FEDERAL REQUIREMENTS LIMITING DISTRIBUTION OF RECORD CHECK RESULTS.

Senator Rand offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second (44-3) and third readings and is ordered engrossed and sent to the House of Representatives.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

S.B. 827 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY TREATMENT OF CERTAIN SECURITY INTERESTS CREATED BY THE STATE OR GOVERNMENTAL UNITS OF THE STATE UNDER ARTICLE 9 OF THE NORTH CAROLINA UNIFORM COMMERCIAL CODE.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 851, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 911, A BILL TO BE ENTITLED AN ACT CONCERNING CONFIDENTIALITY OF COMPETITIVE HEALTH CARE INFORMATION.

The bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 640, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON AGREEMENTS OR CONTRACTS THAT LIMIT THE RIGHTS OF PERSONS TO DO BUSINESS OR OBTAIN EMPLOYMENT IN THE STATE, referred to the **Judiciary II Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers

the measure to the **Commerce Committee**.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

S.B. 955, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS.

The bill passes its second reading (48-0).

Senator Odom objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, April 24.

S.B. 1014 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

The Committee Substitute bill passes its second reading (48-0).

Senator Albertson objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, April 24.

S.B. 1078 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE BY REQUIRING REDUCTIONS IN THE EMISSIONS OF CERTAIN POLLUTANTS FROM CERTAIN FACILITIES THAT BURN COAL TO GENERATE ELECTRICITY.

With unanimous consent, upon motion of Senator Reeves, the remarks of the Senators on Senate Bill 1078 are spread upon the Journal, as follows:

Senator Metcalf:

"Thank you, Madame President. Ladies and Gentlemen of the Senate, by way of background, we all know that some eight or ten months ago we came to, we went to Senator Basnight - Senator Carter, Senator Robinson and myself - and brought to his attention the situation that exists in our western mountains. We explained to him at that time that we felt like we had a lot of problems there, that just by common sense what we could see, we knew things were a lot different than they had been just a few short years ago. Senator Basnight responded. He formed a committee for us. He allowed us to co-chair that committee and we brought many of you to the mountains. Senator Purcell came, Senator Albertson came, and others. We learned over the next three or four months what we had known for a long time, that we had a lot of problems. We've articulated those problems to you from time to time. We know that we have health problems. We know that we have problems in terms of our own economy, in terms of how it's impacting our economy, not just our tourism, but in a lot of ways just our ability to recruit industry. We're a lot different up there. We don't have the great infrastructure that's so obvious and present in other parts of the State. We don't have the great research universities. We don't have the great transportation system that you see in other parts of the state. So a lot of times, when we recruit industry, we try to do it because we try to sell the beauty of our mountains and certainly the grace of our people. This Senate responded and we were so thankful to you, the letter that you wrote to President Bush and the members of our Congressional Delegation. We also learned some other things along the way - that this is not just a mountain problem. We learned that North Carolina has the fifth highest number of dirty air days, the fifth dirtiest air in the nation. Senator Odom, we learned that Charlotte has the eighth dirtiest air in this country, Raleigh-Durham seventeenth. Senator Basnight, we learned that on our coast, that many species of fish, that people are warned in terms of their children and women of child-bearing age, not to eat the fish. And we are

told just today, or at least I have been told just today by the American Lung Association that air pollution in this State costs this State something like $3.5 billion per year in terms of health problems, in terms of crop losses and its impact on tourism and other aspects of our economy. We bring you a bill tonight that we think addresses major portions of our problem. It addresses the clean up of the fourteen coal-fired plants that are owned by CP&L and Duke. You have a summary of the bill and we've talked about the bill and it's on your table. I'll just hit three very quick spots, if I may, three very quick aspects. First, it sets the standards in time table. Basically what it says is over the next twelve years we will reduce in the air from 70 to 80 percent of the pollutants that are there now. We will also address the issue of mercury. While it's not specifically addressed in the bill, we feel very strongly that the consequence of what we're doing will remove some 60 percent of the mercury. There is indeed a cost recovery, and we have talked about that. I've said from the very beginning, ladies and gentlemen, that this is not an inexpensive proposition, but I think when you compare it to the $3.5 billion per year that we're losing in terms of crops, in terms of our health, in terms of quality of our life and who we are as a people, that it's money well spent. The cost is basically about three to five percent on a residential power bill and about four to seven percent on industry and commercial power bills. It does one other thing. There is a strong piece in the legislation that we argued very hard for and talked at great length. There's a section in the bill that calls for, that is the intent of this General Assembly, to use all means possible, whether it's interstate compacts, or there's negotiation, indeed litigation, to force the Tennessee Valley Authority, and to force other states to come into compliance with the same set of rules and standards that we are adopting. We think this is important. One, we think it also gives us some moral high ground, and we like being in that position as North Carolinians, we like being there. But this is not a feel-good bill. It's more than just having moral persuasion. We think it will give us the political leverage to do the things that we have to do. We'll give Governor Easley the political leverage to look Governor Sundquist in the face and say, 'My State did it. Your State can, too.' It will give my own Congressman in the Eleventh Congressional District the political leverage to go to Washington and say, 'This is what my State did. This is what we have to do for the TVA.' I think equally as important it will give us legal standing. Attorneys tell me it's awfully difficult to sue someone else to do something that you're not willing to do yourself. Ladies and gentlemen, we talk an awful lot down here about doing things for the children. We sometimes say it cynically, we laugh about it and whatever the bill is, it can be a technical bill on the smallest thing in the world, and you say, 'Well, what's in the bill?' and we'll say 'Well, vote for my bill. It's good for the children.' I must tell you, ladies and gentlemen, I have never supported a bill or voted for a bill that I think is more for children than this bill, because I know, I know full well that unless I am extremely lucky, that not in my lifetime will I ever go to the top of Mount Pisgah or the top of Mount Mitchell and see the same views that I did as a child. I will never take my grandchild up there and show him the same views that my grandfather showed me. It is my hope, it is my sincere desire that my grandson, Waylon, will indeed be able to take his grandson to the top of Mount Pisgah or Mount Mitchell or Bald Mountain in Yadkin County or Flea Branch where our family cemetery is in Madison County, and see the same views that I did as a child. That process has to start sometime. I'm asking you that it start tonight. Thank you."

Senator Hoyle:

"Thank you, Madame President and members of the Senate. About eight or nine years ago when I first came into the legislature, I must admit that I didn't have a big appreciation for our environment, but after spending a considerable amount of time with the distinguished Senator from Dare and hearing his lectures about what we're doing to our environment, I guess I have developed an appreciation and a recognition that what we

were doing was wrong. Now I'm not totally green, I guess, but I do have a few green stripes across my chest, and I don't want to do anything to hurt our environment. Now I know that power plants are a major pollutant, but automobiles represent about 75% or 85% of the problems that we have, and I think that there are just too many questions that are unanswered about this bill. I'm not sure what Senate Bill 1028 does to help us. If we clean up our air and export it to Virginia and then we import dirty air from South Carolina, Tennessee and Georgia, what will we have accomplished except to put a burden on our industry and our ability to recruit industry here, put a burden on our people to pay for something that may not give us the benefits that we expect. This has got to be a compact that the federal government mandates and makes every state clean up their air, and then we're not out there by ourselves alone trying to do it. If I thought this bill would do that and would help us and take care of the problem that we have reoccurring, then I'd vote for it. But until we answer the questions about what the economic benefits are for the State and what the costs are to the people who are going to have to pay for this without getting an assurance that we're going to get help from other states, I just can't vote for this."

Senator Albertson:

"Madame President, members of the Senate, we don't have a choice on this bill. That's the truth. We might as well face up to it. The truth is we're already behind the curve on this issue - about ten or fifteen or twenty years behind where we should be. If we continue to wait, what is it going to be like? As someone has said, 'It's pay me now or pay me later', and we can't afford to wait on this. We have to first of all be responsible for ourselves before we can ask our neighbor to be responsible. I hope you will vote for this bill and send a clear message that we're going to be about doing our business to take care of our resources, and provide some leadership so that others can follow our example."

Senator Gulley:

"I wanted to thank Senator Metcalf on behalf of several of us for giving us a couple days to look again at the bill and Senator Basnight as well for his help. But on further reflection, this bill is better than I had appreciated. I think it's a hard decision for the reason Senator Hoyle said. It is tough to ask our people to pay this, but the facts that I've got, Senator Hoyle, indicate to me that about 82% of our sulfur dioxide pollution, 45% of our nitrogen oxide and 65% of our state's mercury pollution come out of our power plants. The argument that prevails for me is, 'It's time for North Carolina to lead by example.' That's really probably the only way that we'll get some results on this. I don't think waiting and trying to help some other folks to get together on it has been real successful. So I'm appreciative of this bill and the leadership it represents and I'm looking forward to voting for this and having North Carolina step out and show the rest of the nation what we ought to be doing."

Senator Rucho:

"Senator Metcalf, the premise is very sound, I think, and whatever we reduce is that much to our advantage. The cost - could you just elaborate just a little bit on the cost of what this would be to the average consumer, and to what the businesses would see in this effort."

Senator Metcalf:

"Thank you, Senator Rucho. On an average bill, you're looking at about a 3%-5% increase, and the reason we have the range is because you have over time, if you see the mechanism by which you, over the next thirteen years, the power companies will each year submit to the Utilities Commission the expenditures they expect that particular year in terms of cleaning up the equipment they're going to buy. Should it be approved by the

Utilities Commission, it is placed on the bill as a separate line, it is a very distinct line in terms of what the bill is. You're looking at a 3%-5% increase for residential rates. The average bill in the State of North Carolina is somewhere in the neighborhood of $85 to $90. Taking the worst case scenario, you're looking somewhere around $4 to $5 per power bill for a residential customer."

Senator Rucho:

"Thank you, Madame President. What expectation would you have for a business in some of the rural areas that is producing plastics or any of that which would have a high use of electric power?"

Senator Metcalf:

"I stated it early on, Senator Rucho. You're looking for commercial and industrial customers because they pay a lower rate now, that their rate is a shade higher than the residential rate. It's something in the neighborhood of 4%-7% rather than the 3%-5%, so there would be an increase in their power bill. I never denied that. That's part of being able to deal with the issue and address the problem."

Senator Rucho:

"I know you've had this bill out in front of the public for a good period of time. Have you had any opposition coming towards you from business and industry?"

Senator Metcalf:

"Obviously, Senator Rucho, there are folks who are raising concerns. I've had conversations with NCCBI (North Carolina Citizens for Business and Industry). At this point they're taking no position on the bill. I've had conversations with other groups representing business and industry who are opposing this bill, who are at least raising issues and would like to have some clearly defined answers to the questions. At this point this is as clearly and succinctly as I can define in terms of the cause. I suspect that should this bill pass the Senate tonight, there will be an absolute thorough review of this bill in the House to try to maybe more refine the costs, but in all candor, I don't know how we can get much more than saying that the increase in the rates will be somewhere between 4%-7%."

Senator Rucho:

"Thank you for your candidness. Is there another way that this cost of putting the scrubbers and the like into the utilities or let's say buy the utilities if Duke and CP&L want to use this on their own? How would that system work different than what you are proposing now?"

Senator Metcalf:

"I'm not sure I understand your question, Senator Rucho."

Senator Rucho:

"If they were, if Duke and CP&L were to accept the responsibility without your bill coming forward and said 'Yes, we're going to clean and provide scrubbers to meet the NO2 and the sulfur dioxide levels that you're trying to achieve'. Would they have done it just with a rate increase from the Utilities Commission, or do you know how that would normally be done and the process?"

Senator Metcalf:

"Seeing as how there is no way they could do it, I guess if you are saying, 'Should this

go through a normal rate increase or rate to rate case', I'm making the argument that it should not, and for a couple of reasons why. One, this is quicker. This gets us on the road and gets us to the point where we can start work very soon. Two, it's probably cheaper, because if you go through a rate case anything that they spend in terms of utilities, spend in terms of capital, they're able to reclaim not only what they spend but a percentage up to 11% back. What they're getting here, what they're recovering here is exactly what they're spending on it. Are there other ways? I suppose so. I guess we've waited a long time for someone to come forward with it. No one has, and we bring forward this bill."

Senator Horton:

"There may be some businesses in this State who are worried about this bill. There may be some for whom the bottom line is a whole lot more important than the other values in this world, but I want to tell you one industry that has stepped up to the plate and that is Reynolds Tobacco Company, which operates a coal-fired plant putting out 3,453 tons of sulfur dioxide every year. They want to come under this. As it stands now, only the fourteen major investor-owned utilities, I think that's the phrase, isn't it Senator Metcalf? They're the only ones that are coming under it because that will take down about 80% of the major sulfur dioxide and nitrogen oxide pollution. The CP&L and Duke Power companies have assured us in talks with them that they will try to work out an amendment to be placed on the bill in the House - we haven't had time to develop it yet - because they would need it to check with the Utilities Commission, with the FPC, with burple, furple, gurkle, local garden clubs. But they have assured us that they are willing to work openly with us to try to let Reynolds Tobacco Company step up to the plate and do their part for the people of North Carolina. Let me tell you why! When I was brought up, I went, like Senator Metcalf, to Mount Mitchell. Mount Mitchell is the highest point east of the Mississippi, our first state park, what was the crown jewel of our state park system, surrounded by magnificent forest. In fact, they had to build a tower so you could climb up the tower and see over the forest to the mountains surrounding. Haven't got to do that now. You can see everything from the parking lot because the place looks like a battlefield. Those trees have been killed by acid rain and the weakening that has caused those trees so that they're now subject to all sorts of diseases they didn't have before. Some of the acid rain is..."

Senator Hoyle:

"Senator Horton, has it been proved conclusively that this acid rain is a direct cause of pollution there and that it comes from North Carolina?"

Senator Horton:

"I can answer only part of that, Senator Hoyle, but I appreciate you asking the question because it has been proven that acid rain in those areas that hits the tops of the highest mountains is sometimes so acid it's about like lemon juice in acidity and, as you know, you can cook in lemon juice. So that's the response I will give. Now where it comes from, we've got some good ideas where it comes from and a lot of it comes from the Tennessee Valley, and that's one reason Senator Metcalf has mentioned that North Carolina needs to take the higher ground here so we can promptly go to Congress and say, 'Hey, we've done everything we humanly can be expected to do, and we are going to ask you to ask TVA to come up to the same standards you want private industry to come up to. After all, TVA, you are a public-owned corporation.' "

Senator Hoyle:

"Senator Horton, is there any assurance given to anybody - you or anyone else - that this is going to happen, that we are going to unilaterally do this ourselves and let someone

continue from - I've been told that acid rain comes from Ohio and other places, and it comes on the jet streams here and we get it from all over, everything from the West. You know everything moves from west to east. Air flows west to east, so we're cleaning up our air and doing nothing to those people who are really causing acid rain. Is that not true?"

Senator Horton:

"Well, I don't know where your information is coming from. That's not the information I have. What I've told you is what I do have. But continuing, Mount Mitchell is no longer the crown jewel of the North Carolina parks. When Thomas Wolfe was brought up in Asheville, the old Kentucky home his mother ran was a place where people would come and recuperate from tuberculosis and other lung diseases. The United States government built a big hospital in Oteen, North Carolina. The State built a tuberculosis hospital because the air was so clean and pure. Asheville was the place to come if you wanted clean air. Today in that same city of Asheville, the doctors in the emergency rooms of their hospitals will tell people coming in with respiratory problems, 'Go back home. Go back to Ohio, or Indiana. Don't stay here in western North Carolina because you're going to get worse.' Folks, western North Carolina is part of this state, too. You know, it wasn't more than a year or so ago that you all were here asking for help from western North Carolina because of Floyd, and not a single western Carolina Representative said 'no'. Western Carolina has stepped up to the plate. When you want clean water in your rivers, every time, I don't know a single soul from the west that's voted against it. Now they are asking the Senators from the east to do your part to help us clean up the air in western Carolina. And this is your time to show that we are, in fact, one state."

Senator Kinnaird:

"I am very pleased that this Senate is considering this, that it has crafted the bill and I commend Senator Metcalf because it is something that is very needed. When Senator Rucho asked about the cost that would be passed on to the consumer, I think one of the things we have to realize is that there are other costs that are not immediately and directly measurable, and those are the health costs. Those are so great that what we put into our bills and each of us pays in our utility bill is small compared to what is going to happen in the reduction of health costs. Those are cost benefit analyses that we don't think of because they're longer term than the more immediate ones, but I think it is certainly one of the real benefits that is going to occur as a result of this bill. Thank you."

Senator Purcell:

"I was told when I first came here if you wait long enough somebody will say what you meant to say. I think that has been done to some extent tonight. Senator Kinnaird and Senator Horton and Senator Metcalf touched on it, but I'm concerned about Mount Mitchell, but I'm more concerned about the health of people in North Carolina. I think it's a known fact that we have a great increase in the instances of asthma and respiratory diseases in North Carolina. It's very difficult sometimes to make direct connections, but I think it's very clear that polluted air sure does contribute to that. I think it's very important that North Carolina move forward with this bill, and take the leadership, and try to do something to make our environment more healthy for people across North Carolina."

Senator Ballantine:

"Senator Metcalf, Section 4 of the bill encourages litigation and I was wondering if there had not been any litigation heretofore against the TVA and others?"

Senator Metcalf:

"Senator Ballantine, not to my knowledge. I'm not aware. Not to my knowledge, Senator Ballantine."

Senator Ballantine:

"Okay, follow up. So, to your knowledge the State, the counties, anyone in the west, no one's filed any lawsuit, and now we're saying because of this bill we want to encourage litigation. Is that what Section 4 says?"

Senator Metcalf:

"That's what it says. I think, Senator Ballantine, that we have tried our best to raise a consciousness on this issue. We have tried our best to bring it before folks. We have been told in the west that our Congressman was going to pass a bill. We have been told that it would be folly for us to do any sort of litigation because our own standards in our own State were no better than the standards set there, so..."

Senator Ballantine:

"That's exactly what I'm trying to get at, and I keep hearing that. We've heard mentioned..."

Senator Ballantine:

"Can you specifically answer that for me? I hear mentioned that we need to pass this bill so we can have a leg up or higher ground, but has there been some sort of environmental commission that actually said the State of North Carolina has to meet certain requirements before they can have standing, or are we just saying that rhetorically?"

Senator Metcalf:

"Senator Ballantine, I am personally not aware of - people have told me that the U.S. Environmental Protection Agency has indicated as much to us, but let me just speak in terms of answering that question, and I appreciate Senator Horton, and I appreciate the question about western North Carolina, but folks, let me again raise this issue. This bill is not just about western North Carolina. It's about the fish on the coast. It's about Charlotte. It's about Raleigh-Durham. We know the condition of the air in those cities, and Senator Purcell spoke to it very eloquently in terms of the health costs we're suffering all across the State of North Carolina. Senator Horton, I appreciate your concern for the west, and I appreciate you bringing to these people, or bringing to this Body and bringing to this Senate, the fact that we have responded in the west from time to time, on a whole host of issues. And we appreciate you responding to that. Thank you."

Senator Foxx:

"Senator Metcalf, I look with curiosity at the map that we have on the back of the explanation, and I note that the plant in Asheville is rated at 25-50 CEMs, the amount of pollution I assume that means. That's a pretty small amount compared to what's coming out at Belews Creek and the Duke-Marshall plant. I'm concerned, also, about what kind of costs we're going to incur in North Carolina to try to clean up what's going on in the mountains. It's obvious it's not that plant that's causing the pollution that exists in the mountains, and we don't see the same kind of pollution in these other places. So, I want to support this bill, but I want to know that we're going to not pay for all of this ourselves in North Carolina, and we're going to have some sense that what we do is going to have some impact on the air all over the State but especially in the western part of the State. How do we know that we're going to have some better results when we pass this bill?"

Senator Metcalf:

"Senator Foxx, I've already articulated my rationale for the bill. I think that you're absolutely right in terms of the plant in the west, the one in Asheville. It's one of the cleanest plants in the State. The bill would clean up the rest of the State, and that's why we insisted that we have the section in the bill that says that it is the intention of this body to do all that we can, including litigation, to bring in compliance TVA and those facilities within the Ohio Valley."

Senator Foxx:

"Please tell me again what we think the cost of this is going to be, especially to our business and industry. I think you've got a fiscal note on it. What's this going to cost our business and industry in North Carolina to clean up?"

Senator Metcalf:

"Well, the fiscal note doesn't address what it would cost - the cost to business and industry. I'll give you those percentages that I gave you earlier on. You're looking at an increase of power bills for a business or an industry somewhere between 4%-7%. The total clean-up over the next 12 years is somewhere in the neighborhood of $2.2 billion."

Senator Hoyle:

"Senator Metcalf, I'm looking at this map. I really hadn't noticed it until Senator Foxx called it to my attention here. But, I notice that there are only two plants that I would say are in the western part of the State. Most of these plants are in the Piedmont and in the East. Is that true? These plants in the East and in the Piedmont are going to help clean up the air in the mountains?"

Senator Metcalf:

"Senator, I've acknowledged that the majority of the pollution coming into the western part of the State is coming from TVA and the Ohio Valley. I've acknowledged and tried to explain the logic, I think, and the rationale of our bill and the different components of that bill including the section that calls on us to seek aggressive action against other states. I believe that rationale is sound. I believe it makes good sense, and I support the bill."

Senator Hoyle:

"Thank you, Madame President, Members of the Senate. I would just like to remind my colleagues here tonight that the textile industry that helped build this great State is hanging on by a thread. We have textile plants closing in my part of the State practically every week. They came to us saying we needed deregulation. We need to buy our power a little cheaper so that we can use this to stay in business. The major component of our cost besides our raw material now is electricity. It's not direct labor as it used to be, but we know what's happened in deregulation. It's on hold because of the mess that has happened in California. But from Senator Metcalf's explanation tonight, industry's going to pick up another 4%-7% cost, and I can guarantee you that the textile industry cannot afford it. This will drive the nail. This will be the last nail that we drive in their coffin. Now I'm all for this when everybody does it. Every state must do it. We just cannot afford to do this unilaterally, because I think it will have a terrible, detrimental effect upon the economy and particularly the textile economy of our state."

Senator Horton:

"Senator Metcalf, isn't it true that once the power companies recapture the capital expense of putting the scrubbers on the smokestacks, there will be no more need for the increase in fees to be passed onto the customers?"

Senator Metcalf:
"That's true."

The Committee Substitute bill passes its second (43-5) and third readings and is ordered sent to the House of Representatives.

H.B. 85 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC.
With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 1.

H.B. 142 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.
With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 1.

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns subject to reading and referral of bills, receipt of messages from the House of Representatives, and receipt of committee reports, to meet tomorrow, Tuesday, April 24, at 3:00 P.M.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY.
Referred to **Judiciary I Committee**.

H.B. 172 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CEDAR POINT AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.
Referred to **State and Local Government Committee**.

H.B. 235, A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS TO ENTER INTO AGREEMENTS WITH OTHER MUNICIPAL CORPORATIONS OR SANITARY DISTRICTS FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ECONOMIC DEVELOPMENT PLAN.
Referred to **Judiciary II Committee**.

H.B. 375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.
Referred to **Children and Human Resources Committee**.

H.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE EMERGENCY MEDICAL SERVICES ACT OF 1973.
Referred to **Health Care Committee**.

H.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES.
Referred to **Health Care Committee**.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.
Referred to **Education/Higher Education Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read as follows:

House of Representatives
April 23, 2001

Madame President:

It is ordered that a message be sent your Honorable Body requesting the return of H.B. 545, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN, for further consideration by the House of Representatives.

Respectfully,
S/Denise Weeks
Principal Clerk

The President orders, without objection, House Bill 545 returned to the House.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

H.B. 723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST.
Referred to **Judiciary I Committee**.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE SAVINGS INSTITUTIONS DIVISION TO THE STATE BANKING

COMMISSIONER; TO AUTHORIZE ADDITIONAL DEPUTY COMMISSIONERS; TO MERGE THE SAVINGS INSTITUTIONS COMMISSION WITH THE STATE BANKING COMMISSION; TO REQUIRE THE COMMISSIONER TO REPORT TO THE GENERAL ASSEMBLY; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES.

Referred to **Commerce Committee**.

H.B. 856, A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY TO ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING.

Referred to State and Local Government Committee.

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED.

Referred to **Judiciary I Committee**.

H.B. 899 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO RESISTING, OBSTRUCTING, OR DELAYING A PUBLIC OFFICER IN DISCHARGING OFFICIAL DUTIES.

Referred to **Judiciary II Committee**.

H.B. 906, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE.

Referred to **State and Local Government Committee**.

H.B. 935, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

Referred to **State and Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:47 P.M.

FIFTY-SECOND DAY

Senate Chamber
Tuesday, April 24, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Father in heaven, after the debate last night on Senate bill 173 and others, we are reminded that the hour of decision on such bills is almost always a lonely one, often agonizing. When the facts are in, debate exhausted and discussion completed, each Senator is left alone with his or her conscience.

"While many of us might seem to avoid such a moment, good leaders accept the responsibility and declare a position. We are grateful for these men and women who accept such a duty as a burden of leadership.

"Continue to illuminate their pathway in future decisions that may be no less difficult. In your name we pray, Amen."

The Chair grants a leave of absence for today to Senator Jordan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Cynthia Green Kirby from Whiteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Debbie Kennedy from Archdale, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 347, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5671, which changes the title to read **S.B. 347** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT, is adopted and engrossed.

S.B. 774, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS TO PROVIDE FOR THE FINANCIAL PRIVACY OF CUSTOMER INFORMATION AND RECORDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7642, which changes the title to read **S.B. 774** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, is adopted and engrossed.

S.B. 831, A BILL TO BE ENTITLED AN ACT ESTABLISHING A CONTRACTOR MENTOR/PROTÉGÉ PROGRAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1657, which changes the title to read **S.B. 831** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO CONTROL THE FLOW OF NATIONAL PARTY POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2672, which changes the title to read **S.B. 8** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE FLOW OF NATIONAL PARTY POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA CAMPAIGNS, is adopted and engrossed.

S.B. 160, A BILL TO BE ENTITLED AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7632 is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 852, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TO PURCHASE OWNER-CONTROLLED OR WRAP-UP INSURANCE FOR PUBLIC WORKS PROJECTS, with a favorable report.

S.B. 899, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COUPONING OR WAIVING OF DEDUCTIBLES IN MOTOR VEHICLE GLASS REPAIRS, with a favorable report.

Upon motion of Senator Wellons, the bill is re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 461, A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5670 is adopted and engrossed.

S.B. 633, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7644 is adopted and engrossed.

By Senator Carter for the **Education/Higher Education Committee**:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9589 is adopted and engrossed.

S.B. 966, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BOARD OF EDUCATION AND BOARD OF GOVERNORS REPORTING REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT PROGRAMS, AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS REGARDING PROFESSIONAL DEVELOPMENT IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2675 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 68 (Committee Substitute), AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3826, is adopted and engrossed.

S.B. 751, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR PRESCHOOL EDUCATIONAL PROGRAM SITES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2674, which changes the title to read **S.B. 751** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS, is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS TO ESTABLISH SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2673 is adopted and engrossed.

S.B. 961, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDED DRIVING WHILE LICENSE REVOKED FLEXIBILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1655 is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 794, A BILL TO BE ENTITLED AN ACT TO PERMIT TEACHERS TO CONVERT ALL EXCESS VACATION LEAVE TO SICK LEAVE OR TO PAID LEAVE, referred to the **Education/Higher Education Committee** on April 3.

Pursuant to Rule 47(a), Senator Lucas offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROGRAM ESTABLISHED BY A DISTRICT ATTORNEY FOR COLLECTION IN WORTHLESS CHECK CASES IN CERTAIN COUNTIES MAY INCLUDE WORTHLESS CHECK OFFENSES PUNISHABLE AS CLASS I FELONIES AND CLASS 1 MISDEMEANORS AS WELL AS THOSE PUNISHABLE AS CLASS 2 MISDEMEANORS AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

Referred to **Judiciary II Committee**.

H.B. 13 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURANCE COMPANIES FROM RECOMMENDING THAT INSURANCE CLAIMANTS OBTAIN MOTOR VEHICLE REPAIR SERVICES FROM PARTICULAR SOURCES WITHOUT BEING INFORMED THAT CLAIMANTS DO NOT HAVE TO USE THOSE RECOMMENDED REPAIR SERVICES OR SOURCES AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE INSURANCE INDUSTRY PRACTICE OF RECOMMENDING REPAIR SERVICES TO CLAIMANTS.

Referred to **Insurance and Consumer Protection Committee**.

H.B. 307, A BILL TO BE ENTITLED AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF

A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD.

Referred to **State and Local Government Committee**.

H.B. 405 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE REGARDING THE STATE TESTING AND STUDENT ACCOUNTABILITY PROGRAM.

Referred to **Education/Higher Education Committee**.

H.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT FOR NOTARIZATION OF CAMPAIGN REPORTS.

Referred to **Judiciary I Committee**.

H.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS.

Referred to **Judiciary I Committee**.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM.

Referred to **State and Local Government Committee**.

H.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN BOARDS OF COUNTY COMMISSIONERS TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PUBLIC HEALTH LAWS OR RULES.

Referred to **Judiciary II Committee**.

H.B. 902 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN APPOINTEE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES TO THE STATE JUDICIAL COUNCIL.

Referred to **Judiciary II Committee**.

H.B. 904, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR CHILD ABUSE TO A CLASS A1 MISDEMEANOR SO THAT IT IS THE SAME AS THE PENALTY FOR ASSAULT ON AN ADULT.

Referred to **Judiciary I Committee**.

H.B. 943, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DISCONTINUED MEMBERSHIP SERVICE ALLOWANCES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to **Pensions & Retirement and Aging Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 389, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF PHYSICIAN-ASSISTED SUICIDE, referred to the **Judiciary I Committee** on March 12.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Appropriations/Base Budget**, which

motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, upon second reading, as amended by material Amendments No. 5 and No. 6 on April 23.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—48.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, April 25, upon third reading.

S.B. 70, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT.

The President orders, without objection, the bill temporarily displaced.

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

The Committee Substitute bill passes its second (42-7) and third readings and is ordered sent to the House of Representatives.

S.B. 104 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS.

Senator Foxx offers Amendment No. 1 which fails of adoption (4-45).

Senator Webster offers a written motion to divide the question on the Committee Substitute bill on the issue of four-year terms and the issue of the length of legislative sessions.

The motion fails (6-42).

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 42, noes 7, as follows:

Voting in the affirmative are: Senators Albertson, Ballance, Ballantine, Basnight, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—42.

Voting in the negative: Senators Allran, Berger, Bingham, Foxx, Martin of Guilford, Shaw of Guilford and Webster—7.

The Committee Substitute bill passes its third reading by a three-fifths majority vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—42.

Voting in the negative: Senators Allran, Berger, Bingham, Foxx, Martin of Guilford, Shaw of Guilford and Webster—7.

The Committee Substitute bill is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS, referred to the **Appropriations/Base Budget Committee** on April 24.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Wednesday, April 25, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Wednesday, April 25.

S.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40 AND TO REMOVE THE SUNSET, referred to the **Appropriations/Base Budget Committee** on April 23.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, April 25, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, April 25.

CALENDAR (*continued*)

S.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CONSTITUTIONAL AMENDMENTS PROVIDING FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND FOR SESSION LENGTH LIMITS BY MAKING NECESSARY STATUTORY CHANGES.

The Committee Substitute bill passes its second (46-3) and third readings and is ordered sent to the House of Representatives.

S.B. 70, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL DISTRICT, temporarily displaced earlier.

The bill passes its second (34-15) and third readings and is ordered sent to the House of Representatives.

S.B. 880 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND TO PROHIBIT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BUILDING CODE COUNCIL TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 569, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA, with a favorable report.

H.B. 633, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ARCHDALE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, with a favorable report.

S.B. 589, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM, with a favorable report.

S.B. 967, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, with a favorable report.

S.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 5637, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 109 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUEST THE NORTH CAROLINA SUPREME COURT TO ADOPT RULES ESTABLISHING MINIMUM STANDARDS FOR DEFENSE ATTORNEYS, PROSECUTORS, AND JUDGES HANDLING CAPITAL CASES.

The Committee Substitute bill passes its second reading (49-0) and third reading (49-0) and is ordered sent to the House of Representatives.

S.B. 269 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF INVESTMENT ADVISER REPRESENTATIVE; TO ALLOW MULTIPLE REGISTRATION OF INVESTMENT ADVISER REPRESENTATIVES FOR CERTAIN PURPOSES; AND TO REVISE THE REGISTRATION AND NOTICE FILING PROCEDURES.

The Committee Substitute bill passes its second reading (48-0) and third reading (47-0) and is ordered sent to the House of Representatives.

S.B. 318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS ON LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS, AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SHARING OF INFORMATION PRODUCED BY, OBTAINED BY, OR DISCLOSED TO THE INSURANCE COMMISSIONER UNDER THE EXAMINATION LAW; AND TO CLARIFY THAT THE EXAMINATION LAW APPLIES TO ALL ENTITIES SUBJECT TO REGULATION BY THE INSURANCE COMMISSIONER.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 708, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 729, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MOTORCYCLE INSURANCE RATES ARE SET IN ACCORDANCE WITH THE

LAW REGULATING INSURANCE RATES RATHER THAN ESTABLISHED BY THE NORTH CAROLINA RATE BUREAU.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 759 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

Having voted with the majority, Senator Gulley offers a motion that the vote by which the Committee Substitute bill passed its third reading earlier today be reconsidered, which motion prevails (48-0).

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, April 25.

S.B. 780 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 787 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

The Committee Substitute bill passes its second reading by a three-fifths majority vote, ayes 30, noes 17, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carrington, Carter, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Weinstein and Wellons—30.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter, Cunningham, Forrester, Foxx, Garwood, Hartsell, Horton, Martin of Pitt, Moore, Rucho, Shaw of Guilford, Swindell, Thomas and Webster—17.

Senator Horton calls for the "ayes" and "noes" on the passage of the Committee Substitute bill on its third reading, seconded by Senator Webster. The call is sustained.

The Committee Substitute bill fails to pass its third reading by a three-fifths majority vote, ayes 29, noes 19, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Weinstein and Wellons—29.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Cunningham, Forrester, Foxx, Garwood, Hartsell, Horton, Martin of Pitt, Moore, Rucho, Shaw of Guilford, Swindell, Thomas and Webster—19.

The measure lies upon the table.

S.B. 795 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT, AND TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT, AND TO CLARIFY THAT THE ACT APPLIES TO BUSINESS FORMS IN ADDITION TO CORPORATIONS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AN ENGINEERING STUDY AND REPORT OF A PROPOSED DAM AND RESERVOIR TO BE LOCATED ON THE CAPE FEAR RIVER IN CUMBERLAND COUNTY, TO AUTHORIZE ADDING THIS AREA TO THE STATE PARKS SYSTEM, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO APPLY FOR A GRANT TO ASSIST IN FUNDING THE PROJECT, with a favorable report.

Upon motion of Senator Albertson, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 920, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE OF NORTH CAROLINA, with a favorable report.

S.B. 1034, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS, with a favorable report.

S.B. 953, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF CORRUGATED CARDBOARD, CLEAN WOOD WASTE, AND WOODEN PALLETS IN LANDFILLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2677 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 1057, A BILL TO BE ENTITLED AN ACT PROHIBITING THE ASSESSMENT OF COURT COSTS AS RELATED TO PROTECTIVE ORDERS IN DOMESTIC VIOLENCE CASES, AMENDING THE LAWS RELATING TO DOMESTIC VIOLENCE, AND ESTABLISHING AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE,

SEXUAL OFFENSES, AND STALKING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1661, which changes the title to read **S.B. 1057** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING THE ASSESSMENT OF COURT COSTS AS RELATED TO PROTECTIVE ORDERS IN DOMESTIC VIOLENCE CASES AND AMENDING THE LAWS RELATING TO DOMESTIC VIOLENCE AND MAKING AN APPROPRIATION, is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

RECONSIDERATION

S.B. 787 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE.

Having voted with the majority, Senator Swindell offers a motion that the vote by which the Committee Substitute bill failed its third reading earlier today be reconsidered.

Having voted with the majority, Senator Rand offers a substitute motion that the vote by which the Committee Substitute bill failed its third reading earlier today be reconsidered.

The substitute motion by Senator Rand to reconsider the vote by which the Committee Substitute bill failed its third reading prevails (32-15).

Senator Ballantine offers a substitute motion to adjourn, which motion is ruled out-of-order pursuant to Senate Rule 22.

The question before the Senate becomes the passage of the Committee Substitute bill for Senate Bill 787, upon third reading.

The Committee Substitute bill passes its third reading by a three-fifths majority vote, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Weinstein and Wellons—31.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Cunningham, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford, Thomas and Webster—17.

The Committee Substitute bill is ordered sent to the House of Representatives.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

S.B. 803, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.

The bill passes its second reading (48-0) and third reading (47-0) and is ordered sent to the House of Representatives.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Adam Arsenault, Fairview; Adam J. Babcock, Pfafftown; Phillip Ray Caudle, King; Jamie E. Conway, Apex; Benjamin Davenport, Clayton; Colt Freeman, Zebulon; Stuart Ford Gamble, Climax; Justin Allen Hancock, Waxhaw; Jason A. Hancock, Waxhaw; Shawn David Matthews, Raleigh; Devin Corey McCullough, Bryson City; Melanie Dawn Messer, Franklinton; Allison A. Michela, Wendell; Thomas Mitchell, Huntersville; Christopher Edward Myers, Rocky Mount; Dustin J. Storm, Asheville; Michael Eli Trott, Gibsonville; Luis M. Vincente, Jr., Raleigh; Benjamin J. Walker, Westfield; and Craven J. Woods, Burlington.

CALENDAR *(continued)*

S.B. 1014 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, April 25.

S.B. 833 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER A PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 777, A BILL TO BE ENTITLED AN ACT TO CLARIFY EXISTING DELEGATIONS OF AUTHORITY TO COUNTIES AND CITIES AND CONFIRM FLEXIBILITY IN THE EXECUTION OF THOSE DELEGATED AUTHORITIES, referred to the **Rules and Operations of the Senate Committee** on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee**.

CALENDAR *(continued)*

S.B. 887, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, April 25.

S.B. 876, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ATTENDANCE AT A DAY REPORTING CENTER BE A LEVEL ONE DISPOSITION FOR DELINQUENT JUVENILES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION

COORDINATING COUNCIL.

Senator Reeves offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 912 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CLERK OF SUPERIOR COURT TO REFUSE TO INDEX, DOCKET, OR RECORD FRAUDULENT CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING FALSE STATUTORY LIENS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 931 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A JUDGE TO CONDUCT OVERSIGHT OF THE DISCOVERY PROCESS IN A CAPITAL CASE TO ENSURE COMPLIANCE WITH CONSTITUTIONAL AND STATUTORY LAW.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 937 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW.

The Committee Substitute bill passes its second reading (47-1).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 25.

S.B. 1019 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (31-16).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 25.

S.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A DISPUTE RESOLUTION PROCEDURE TO ASSIST THE OFFICE OF INFORMATION TECHNOLOGY IN THE COLLECTION OF FEES RELATED TO INFORMATION TECHNOLOGY SERVICES PROVIDED BY THE OFFICE.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

WITHDRAWAL FROM CALENDAR

H.B. 142 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN-

OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, placed on the Calendar for Tuesday, May 1.

Senator Rand offers a motion that the Senate Committee Substitute bill No. 2 be withdrawn from the Calendar for Monday, May 1, and placed on the Calendar for tomorrow, Wednesday, April 25, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for May 1 and places it on the Calendar for tomorrow, Wednesday, April 25.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 390, A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE, with a favorable report.

S.B. 499, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO ADOPTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6713 is adopted and engrossed.

S.B. 716, A BILL TO BE ENTITLED AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1659 is adopted and engrossed.

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND EXPEDITE CHILD SUPPORT PAYMENTS BY ENABLING AGREEMENTS TO USE CARD WITHDRAWAL ACCOUNTS WITH ACCOUNTABILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8639 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 866, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6714 is adopted and engrossed.

CALENDAR (*continued*)

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM INTO AN UNOCCUPIED BUILDING, VEHICLE, OR OTHER ENCLOSURE, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (40-7) and is ordered engrossed and sent to the House of Representatives.

S.B. 848, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS.

The bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

S.B. 955, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS.

The bill passes its third reading (46-1) and is ordered sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 1047, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE, referred to the **Rules and Operations of the Senate Committee** on April 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 6:34 P.M., subject to reading and referral of bills, receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Wednesday, April 25, at 1:00 P.M.

FIFTY-THIRD DAY

Senate Chamber
Wednesday, April 25, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, this week when work days in the Senate are extraordinarily long, we pray with brevity but conviction. Give us strength to do what we cannot do and to be what we cannot be, and help us to remember that by ourselves we can do nothing but that with you all things are possible. In your holy name we pray, Amen."

The Chair grants a leave of absence for today to Senator Jordan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, April 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Karel Francis Rybnicek from Shelby, North Carolina, who is serving the Senate as Doctor of the Day, and to Ed Kirkpatrick from Kinston, North Carolina, who is serving the Senate as Nurse of the Day.

SUPPLEMENTAL CALENDAR

Upon motion of Senator Rand, the rules are suspended and bills reported out of committee today may be placed on today's Supplemental Calendar without further suspension of the rules.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO REPEAL THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LENDER WHICH IS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS EITHER A SUPERVISED OR NONSUPERVISED MORTAGEE, with a favorable report.

With unanimous consent, upon motion of Senator Clodfelter, the bill is placed on today's Supplemental Calendar.

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT, with a favorable report.

With unanimous consent, upon motion of Senator Clodfelter, the bill is placed on today's Supplemental Calendar.

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS AT AN EMPLOYEE OF A DETENTION FACILITY WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES, with a favorable report.

With unanimous consent, upon motion of Senator Clodfelter, the bill is placed on today's Supplemental Calendar.

S.B. 906, A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM THE GENERAL ASSEMBLY BEFORE STATE AGENCIES MAY ENTER INTO INDEMNITY AGREEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3828 is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 789, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, with a favorable report.

With unanimous consent, upon motion of Senator Robinson, the bill is placed on today's Supplemental Calendar.

S.B. 420, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3759, which changes the title to read **S.B. 420** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT, is adopted and engrossed.

With unanimous consent, upon motion of Senator Robinson, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 559, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF ASHEVILLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7648, which changes the title to read **S.B. 559** (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE, is adopted and engrossed.

With unanimous consent, upon motion of Senator Robinson, the Committee Substitute bill is placed on today's Supplemental Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and

disposed of, as follows:

H.B. 93 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF CHILD ABUSE TO INCLUDE CASES WHERE A CARETAKER OR OTHER PERSON PERSISTENTLY FABRICATES OR MISREPRESENTS MEDICAL ILLNESS IN THE CHILD IN ORDER TO OBTAIN OTHERWISE UNNECESSARY MEDICAL CARE.
Referred to **Judiciary II Committee**.

H.B. 275 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.
Referred to **Judiciary II Committee**.

H.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF SALISBURY.
Referred to **Finance Committee**.

H.B. 351 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND SUBSTANTIVE CHANGES IN THE LAW GOVERNING MANAGED CARE UTILIZATION REVIEW AND GRIEVANCE PROCEDURES.
Referred to **Insurance/Consumer Protection Committee**.

H.B. 377 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT.
Referred to **Judiciary I Committee**.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN.
Referred to **Education/Higher Education Committee**.

H.B. 618, A BILL TO BE ENTITLED AN ACT TO PROVIDE MUNICIPALITIES WITH ADDITIONAL AUTHORITY TO REGULATE AND CONTROL DRIVERS AND OPERATORS OF TAXICABS OPERATING BETWEEN CITIES OR TOWNS AND TO THE PIEDMONT TRIAD INTERNATIONAL AIRPORT.
Referred to **Judiciary I Committee**.

H.B. 623, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BUILDING COMMISSION TO AUTHORIZE ALTERNATIVE CONTRACTING METHODS FOR PUBLIC CONTRACTS BY A MAJORITY VOTE OF ITS MEMBERS.
Referred to **Judiciary I Committee**.

H.B. 658 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.
Referred to **State and Local Government Committee**.

H.B. 898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT

THE STATE EMPLOYEE FEDERAL REMEDY RESTORATION ACT.
Referred to **Judiciary I Committee**.

H.B. 953, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A FELONY TO POSSESS, PASS, OR UTTER COUNTERFEIT UNITED STATES CURRENCY WITH THE INTENT TO DEFRAUD ANOTHER.
Referred to **Judiciary II Committee**.

H.B. 968, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO PROVIDE FOR THE DEFENSE OF AND TO PAY JUDGMENTS AGAINST SOIL AND WATER CONSERVATION SUPERVISORS AND EMPLOYEES.
Referred to **Judiciary I Committee**.

H.B. 972, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES.
Referred to **Judiciary I Committee**.

H.B. 979 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS.
Referred to **Education/Higher Education Committee**.

H.B. 980 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CHILDREN OF A VOTER TO ACCOMPANY THE VOTER INTO THE VOTING ENCLOSURE.
Referred to **Judiciary I Committee**.

H.B. 1045 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND PROHIBITING INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.
Referred to **Judiciary I Committee**.

H.B. 1060, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT PROJECTS.
Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1061, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PUBLIC

WATER SYSTEMS THAT RESELL WATER FROM THE NORTH CAROLINA DRINKING WATER ACT.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1083 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A WEAPON.

Referred to **Judiciary II Committee**.

H.B. 1090, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE PRESIDENT OF THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER SHALL SERVE AS AN EX OFFICIO MEMBER OF THE RURAL INTERNET ACCESS AUTHORITY.

Referred to **Information Technology Committee**.

H.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS CONCERNING CERTAIN TYPES OF DEPOSIT ACCOUNTS IN NORTH CAROLINA TO MAKE THEM MORE UNDERSTANDABLE TO CONSUMERS AND TO MAKE THEM MORE FLEXIBLE IN MEETING CONSUMER PREFERENCES.

Referred to **Commerce Committee**.

H.B. 1100, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF COUNTERFEITING NEGOTIABLE INSTRUMENTS.

Referred to **Judiciary I Committee**.

H.B. 1108 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PUBLIC AUTHORITIES ARE ELIGIBLE FOR GRANTS FROM THE PARKS AND RECREATION TRUST FUND.

Referred to **State and Local Government Committee**.

H.B. 1113, A BILL TO BE ENTITLED AN ACT TO LIMIT DISCLOSURE OF CONSUMER FINANCIAL INFORMATION TO THIRD PERSONS AND TO PROVIDE FOR EDUCATION OF THE PUBLIC ON THOSE LIMITATIONS.

Referred to **Judiciary I Committee**.

H.B. 1118, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CRIMINAL OFFENSE OF FRAUD AGAINST FINANCIAL INSTITUTIONS.

Referred to **Judiciary I Committee**.

H.B. 1119, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT AND AUTHORIZING THE STATE BOARD OF EXAMINERS OF ENGINEERS AND SURVEYORS TO ACQUIRE REAL PROPERTY, TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, AND TO INCREASE THE CIVIL PENALTY FROM TWO THOUSAND DOLLARS TO FIVE THOUSAND DOLLARS FOR VIOLATIONS OF THE ACT.

Referred to **Finance Committee**.

H.B. 1139, A BILL TO BE ENTITLED AN ACT TO AMEND THE APPELLATE PROCEDURE FOR CRIMINAL CONTEMPT.

Referred to **Judiciary I Committee**.

H.B. 1169, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS.
Referred to **Commerce Committee**.

H.B. 1174, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAYGROUNDS.
Referred to **Judiciary II Committee**.

H.B. 1247, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SECOND OR SUBSEQUENT CONVICTION OF A SEX OFFENSE COMMITTED AGAINST A MINOR SHALL BE ADDED TO THE LIST OF AGGRAVATING FACTORS TO BE CONSIDERED BY THE COURT WHEN IMPOSING A SENTENCE FOR A CRIMINAL OFFENSE.
Referred to **Judiciary II Committee**.

H.B. 1276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.
Referred to **Judiciary II Committee**.

H.B. 1285, A BILL TO BE ENTITLED AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING.
Referred to **Education/Higher Education Committee**.

H.B. 1286, A BILL TO BE ENTITLED AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION.
Referred to **Judiciary I Committee**.

H.B. 1304, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS.
Referred to **Education/Higher Education Committee**.

H.B. 1307, A BILL TO BE ENTITLED AN ACT RELATING TO THE CONVERSION OF EXISTING RESIDENTIAL DEVELOPMENTS TO PLANNED COMMUNITIES.
Referred to **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

S.B. 280, A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT PROTECTION TO SOCIAL SERVICES WORKERS WHEN INVESTIGATING REPORTS OF ABUSE, NEGLECT, OR DEPENDENCY, AND WHEN TAKING TEMPORARY PHYSICAL CUSTODY OF A JUVENILE, with a favorable report.

With unanimous consent, upon motion of Senator Hagan, the bill is placed on today's Supplemental Calendar.

S.B. 742, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO WAIVE IMMUNITY FOR NEGLIGENCE LIABILITY BY THE ADOPTION OF A FUNDED RESERVE AND TO CLARIFY THAT ANY WAIVER OF IMMUNITY IS FROM THE FIRST DOLLAR OF DAMAGES AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, with a favorable report.

With unanimous consent, upon motion of Senator Hagan, the bill is placed on today's Supplemental Calendar.

S.B. 813, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5672 is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is referred to the **Finance Committee**.

By Senator Kerr for the **Finance Committee**:

S.B. 365, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF WAKE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7645, which changes the title to read **S.B. 365** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTRONIC LISTING OF BUSINESS PERSONAL PROPERTY FOR AD VALOREM TAXES AND TO ALLOW COUNTIES TO EXTEND THE LISTING PERIOD FOR ELECTRONIC LISTING, is adopted and engrossed.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 353 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS AND TO MODIFY THE FEE FOR FEDERAL SETOFF OF STATE TAX DEBTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 8640, which changes the title to read **S.B. 353** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, is adopted and engrossed.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY

THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS.

With unanimous consent, upon motion of Senator Purcell, the Committee Substitute bill is withdrawn from today's Calendar and is referred to the **Judiciary I Committee**.

S.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 48, noes 1,as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—48.

Voting in the negative: Webster—1.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

H.B. 569, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, April 26.

H.B. 633, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ARCHDALE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, April 26.

S.B. 589, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A 311 SYSTEM FOR NONEMERGENCY CALLS AND TO ALLOW THE MONEY IN THE EMERGENCY TELEPHONE SYSTEM FUND TO ALSO BE USED TO DEVELOP AND MAINTAIN THE 311 SYSTEM.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 165 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Thursday, April 26.

S.B. 967, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, upon second reading.

The President orders, without objection, the bill temporarily displaced.

S.B. 953 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISPOSAL OF CORRUGATED CARDBOARD, CLEAN WOOD WASTE, AND WOODEN PALLETS IN LANDFILLS.

With unanimous consent, upon motion of Senator Odom, the Committee Substitute bill is withdrawn from today's Calendar and re-referred to the **Appropriations/Base Budget Committee.**

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE FLOW OF NATIONAL PARTY POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA CAMPAIGNS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 68 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 249, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO GOVERNMENT FINANCE, referred to the **Rules and Operations of the Senate**

Committee on February 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Transportation Committee**.

CALENDAR (*continued*)

S.B. 347 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE USE OF STATE-OWNED PROPERTY IN THE BLOUNT STREET HISTORIC DISTRICT.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 390, A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA MEDICAL BOARD TO IMPLEMENT POLICIES TO TRAIN AND EDUCATE PERSONS LICENSED TO PRACTICE OR PERSONS DESIRING TO PRACTICE MEDICINE IN THIS STATE ON ISSUES RELATED TO PHYSICIAN-ASSISTED SUICIDE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 499 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO ADOPTION.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 633 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS.

The Committee Substitute bill passes its second (46-3) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REPEAL THE WAITING PERIOD FOR COVERAGE UNDER THE NORTH CAROLINA HEALTH INSURANCE PROGRAM FOR CHILDREN (NORTH CAROLINA HEALTH CHOICE).

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 1059, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CONTRACTOR UNDER THE LAWS RELATING TO PUBLIC CONTRACTS, with a favorable report.

With unanimous consent, upon motion of Senator Soles, the bill is placed on today's Supplemental Calendar.

S.B. 470, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8638 is adopted and engrossed.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 855, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF AIRPORT FACILITIES FOR CERTAIN PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1654 is adopted and engrossed.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 976, A BILL TO BE ENTITLED AN ACT AMENDING PROVISIONS OF THE STATE PERSONNEL ACT PERTAINING TO THE NUMBER AND THE APPEALS RIGHTS OF CERTAIN EXEMPT EMPLOYEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9592 is adopted and engrossed.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 1077, A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4626 is adopted and

engrossed.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill is placed on today's Supplemental Calendar.

CALENDAR (*continued*)

S.B. 723, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES.

Senator Bingham offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 1000 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND EXPEDITE CHILD SUPPORT PAYMENTS BY ENABLING AGREEMENTS TO USE CARD WITHDRAWAL ACCOUNTS WITH ACCOUNTABILITY.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 751 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 831 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 852, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE TO PURCHASE OWNER-CONTROLLED OR WRAP-UP INSURANCE FOR PUBLIC WORKS PROJECTS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 857 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS TO ESTABLISH SPEED LIMIT AND SCHOOL ZONE SPEED LIMIT VIOLATIONS AND TO AUTHORIZE THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SECRETARY OF CRIME CONTROL AND PUBLIC SAFETY TO APPROVE

STANDARDS FOR THE PHOTOGRAPHIC SPEED-MEASURING SYSTEMS.

Senator Ballantine offers Amendment No. 1 which is adopted (48-1).

The Chair grants a leave of absence for the remainder of today's session to Senator Plyler.

The Committee Substitute bill, as amended, fails to pass its second reading (22-26) and the measure lies upon the table.

WITHDRAWAL FROM COMMITTEE

S.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER LICENSE PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS, referred to the **Appropriations/Base Budget Committee** on April 19.

Pursuant to Rule 47(a), Senator Lee offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Transportation Committee**.

RECESS

The Senate recesses at 3:05 P.M. subject to receipt of committee reports and messages from the House of Representatives, to reconvene at 5:00 P.M.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 1086, A BILL TO BE ENTITLED AN ACT TO ENHANCE FAIRNESS IN AGRICULTURAL CONTRACTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3833 is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 476, A BILL TO BE ENTITLED AN ACT TO PLACE ALL OF THE GREENSBORO 19 PRECINCT IN SUPERIOR COURT DISTRICT 18D, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3831, which changes the title to read **S.B. 476** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PLACE ALL OF THE GREENSBORO 19 PRECINCT IN SUPERIOR COURT DISTRICT 18D, is adopted and engrossed.

With unanimous consent, upon motion of Senator Hagan, the Committee Substitute

bill is placed on today's Supplemental Calendar.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills and a resolution which are read the first time and disposed of, as follows:

H.B. 402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, AND TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY.
Referred to **State and Local Government Committee**.

H.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REGULATION OF OCEAN ACTIVITIES BY DARE COUNTY.
Referred to **State and Local Government Committee**.

H.B. 891, A BILL TO BE ENTITLED AN ACT TO REGULATE SPOTLIGHTING OF DEER IN WAKE COUNTY.
Referred to **State and Local Government Committee**.

H.B. 929, A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL JURISDICTION AND RELATED POWERS TO THE TOWN OF MINNESOTT BEACH.
Referred to **State and Local Government Committee**.

H.J.R. 1161 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.
Referred to **Education/Higher Education Committee**.

H.B. 1272 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.
Referred to **Commerce Committee**.

H.B. 917, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.
Referred to **State and Local Government Committee**.

H.B. 931 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS AND TO REGULATE HUNTING NEAR GOVERNMENT BUILDINGS.
Referred to **State and Local Government Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

H.B. 261, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE VETERANS HOME ACT, with a favorable report.

With unanimous consent, upon motion of Senator Harris, the bill is placed on today's Supplemental Calendar.

By Senator Robinson for the **State and Local Government Committee**:

S.B. 587, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3834 is adopted and engrossed.

With unanimous consent, upon motion of Senator Robinson, the bill is placed on today's Supplemental Calendar.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7647, which changes the title to read **S.B. 346** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS, is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 626, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6712 is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 646, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, TO OBSTRUCT OR DELAY THE ANIMAL IN THE PERFORMANCE OF ITS OFFICIAL DUTIES, OR TO TEASE OR HARASS THE ANIMAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6716 is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 647, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE'S DISCRETION IN CAPITAL SENTENCING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9590 is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 703, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4628, which changes the title to read **S.B. 703** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER, is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

S.B. 766, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTY OF A GUARDIAN WITH RESPECT TO MEDICAL TREATMENT OF A WARD AND TO MODIFY THE STANDARDS FOR REMOVAL OF A GUARDIAN BY THE CLERK OF COURT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7650, which changes the title to read **S.B. 766** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE DELIVERY OF MEDICAL SERVICES TO PERSONS WITH DISABILITIES, is adopted and engrossed.

Upon motion of Senator Clodfelter, the bill is re-referred to the **Rules and Operations of the Senate Committee**. (The Committee Substitute bill was inadvertently placed on today's Supplemental Calendar.)

S.B. 367, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA HOUSING FINANCE AGENCY AND THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE FROM THE NORTH CAROLINA ADMINISTRATIVE PROCEDURES ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6717 which changes the title to read **S.B. 367** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, AND TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY THE APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO THESE AGENCIES, is adopted and engrossed.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is placed on today's Supplemental Calendar.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 509 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE STOCKING OF ANIMALS BY CERTAIN PERSONS.
Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED.
Referred to **Judiciary II Committee**.

H.B. 1001, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A PRIMARY CARE HOSPITAL TO REFLECT FEDERAL REQUIREMENTS.
Referred to **Health Care Committee**.

H.B. 1105, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO INSURANCE LAWS.
Referred to **Insurance/Consumer Protection Committee**.

H.B. 1149, A BILL TO BE ENTITLED AN ACT REQUIRING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES.
Referred to **Education/Higher Education Committee**.

H.B. 1188 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS.
Referred to **Judiciary I Committee**.

H.B. 1246 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM.
Referred to **Education/Higher Education Committee**.

H.B. 1318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW.
Referred to **Commerce Committee**.

H.B. 1342 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE.
Referred to **Judiciary II Committee**.

H.B. 884 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE AND TO AMEND THE LAW PROVIDING COMPENSATION TO THE PERSON FOR A WRONGFUL CONVICTION.

Referred to **Judiciary I Committee**.

H.B. 903, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN RICHMOND COUNTY.

Referred to **State and Local Government Committee**.

H.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEDICAID AND STATE APPROPRIATIONS REIMBURSEMENT SHALL BE MADE DIRECTLY TO ICCD CERTIFIED CLUBHOUSE MODEL PSYCHOSOCIAL PROGRAMS FOR SERVICES PROVIDED BY THE PROGRAMS.

Referred to **Health Care Committee**.

H.B. 1144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT SCHOOL ADMINISTRATORS TO SERVE AS ADVISORS TO THE STATE BOARD OF EDUCATION AND TO REDUCE THE NUMBER OF STUDENT AND STATE TEACHER OF THE YEAR ADVISORS TO THE STATE BOARD OF EDUCATION.

Referred to **Education/Higher Education Committee**.

H.B. 1191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ELECTRONIC VOTING SYSTEMS TO REPORT OVERVOTES AND UNDERVOTES.

Referred to **Judiciary I Committee**.

H.B. 1268, A BILL TO BE ENTITLED AN ACT TO REENACT THE LAW GOVERNING PERMITS FOR URBAN WATERFRONT DEVELOPMENT IN HISTORICALLY URBAN AREAS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FULL FAITH AND CREDIT TO JUDGMENTS OF THE EASTERN BAND OF CHEROKEES' TRIBAL COURTS AS THOSE COURTS RECIPROCALLY PROVIDE JUDGMENTS OF NORTH CAROLINA COURTS.

Referred to **Judiciary I Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Reeves for the **Information Technology Committee**:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CRIMINAL

JUSTICE INFORMATION NETWORK BOARD TO HIRE AN EXECUTIVE DIRECTOR; TO ESTABLISH THE BUDGET SUBCOMMITTEE OF THE BOARD; AND TO ESTABLISH THE CRIMINAL JUSTICE TECHNOLOGY FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7654, which changes the title to read **S.B. 900** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD; TO AUTHORIZE THE BOARD TO HIRE AN EXECUTIVE DIRECTOR; TO ESTABLISH THE BUDGET SUBCOMMITTEE OF THE BOARD; AND TO ESTABLISH THE CRIMINAL JUSTICE TECHNOLOGY FUND, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.B. 815, A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION CHARTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7655 is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

S.B. 1038, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO CONDEMN LAND FOR SECONDARY ROAD CONSTRUCTION WHEN SIXTY PERCENT OF THE ADJACENT LANDOWNERS AGREE TO PROVIDE NECESSARY RIGHT-OF-WAY FOR THE PROJECT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6711, which changes the title to read **S.B. 1038** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE, is adopted and engrossed.

By Senator Dalton for the **Education/Higher Education Committee**:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF PUBLIC SCHOOL EMPLOYEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3829, which changes the title to read **S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS, is adopted and engrossed.

S.B. 947, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPEECH AND LANGUAGE PATHOLOGISTS IN THE PUBLIC SCHOOLS TO PARTICIPATE IN THE MENTOR PROGRAM IN THE SAME MANNER AS TEACHERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4627, which changes the title to read **S.B. 947** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPEECH AND LANGUAGE PATHOLOGISTS AND SCHOOL

PSYCHOLOGISTS IN THE PUBLIC SCHOOLS TO PARTICIPATE IN THE MENTOR PROGRAM IN THE SAME MANNER AS TEACHERS, is adopted and engrossed.

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 847, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION WILL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS ON MAINTENANCE AS WELL AS IMPROVEMENT PROJECTS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 948, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL PAY THE NONBETTERMENT COSTS OF UTILITY RELOCATIONS FOR WATER AND SEWER LINES OWNED BY A SYSTEM CREATED PURSUANT TO ARTICLE 20 OF CHAPTER 160A OF THE GENERAL STATUTES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 249, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO GOVERNMENT FINANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1663, which changes the title to read **S.B. 249** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF TRANSPORTATION TO USE FUNDS DESIGNATED FOR PROJECTS THAT ARE DELAYED FOR OTHER PROJECTS THAT ARE READY TO BE CONSTRUCTED, is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 167, A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR REIMBURSEMENT FOR ADULT DAY SERVICES FROM THE HOME AND COMMUNITY CARE BLOCK GRANT FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6718, which changes the title to read **S.B. 167** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR REIMBURSEMENT FOR ADULT DAY CARE FROM THE HOME AND COMMUNITY CARE BLOCK GRANT FUND, is adopted and engrossed.

S.B. 627, A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS ADMITTED TO CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3830 is adopted and engrossed.

S.B. 840, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE AWARD OF ATTORNEY FEES IN CLAIMS BEFORE THE EMPLOYMENT SECURITY COMMISSION, with an unfavorable report as to bill, but favorable as to Committee

Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2678, which changes the title to read **S.B. 840** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE REIMBURSEMENT OF EXPENSES INCLUDING ATTORNEYS' FEES IN CLAIMS BEFORE THE EMPLOYMENT SECURITY COMMISSION, is adopted and engrossed.

Upon motion of Senator Wellons, the bill is re-referred to the **Appropriations/Base Budget Committee**.

The Chair grants a leave of absence for the remainder of today's session to Senator Martin of Pitt.

Upon the appearance of Senator Plyler in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (*continued*)

S.B. 887, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL AUTHORITY FOR MAGISTRATES WHO ARE LICENSED TO PRACTICE LAW.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The bill, as amended, passes its second (34-14) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT.

Senator Miller offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second (47-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 914 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO PUBLIC SCHOOL CONSTRUCTION PROJECTS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE FLOW OF NATIONAL PARTY POLITICAL CONTRIBUTIONS INTO NORTH CAROLINA CAMPAIGNS., temporarily displaced earlier.

Senator Gulley offers Amendment No. 1 which is adopted (32-16).

Senator Foxx offers Amendment No. 2.

Senator Gulley offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Rand.

The motion to table Amendment No. 2 prevails (32-14) and Amendment No. 2 lies upon the table.

The bill, as amended, passes its second (33-15) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 967, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, temporarily displaced earlier.

The bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton,

Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Thursday, April 26.

S.B. 920, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE OF NORTH CAROLINA.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 416, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 68 OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING THE DEFINITION OF "JUDGMENT FINALLY OBTAINED" AND BY CHANGING THE TIME PERIODS FOR EXTENDING AND ACCEPTING OFFERS OF JUDGMENT PRIOR TO TRIAL AND TO MAKE OTHER CONFORMING CHANGES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION, with a favorable report.

S.B. 160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 4629, is adopted and engrossed.

S.B. 935, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE TIME OF APPOINTMENT OF COUNSEL FOR JUVENILES CHARGED WITH CERTAIN OFFENSES, with a favorable report.

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO BAN VIDEO GAMING MACHINES IN SMALLER COUNTIES, reported without a recommendation, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Clodfelter, the bill, as amended, is re-referred to the **Finance Committee**.

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DEALER LICENSE PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS, with an unfavorable report as to bill, but favorable as to Committee

Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2681, which changes the title to read **S.B. 942** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS, is adopted and engrossed.

Upon motion of Senator Shaw of Cumberland, the bill is re-referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS, referred to the **Appropriations/Base Budget Committee** today, April 25.

Pursuant to Rule 47 (a), Senator Lee offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Supplemental Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Supplemental Calendar.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

S.B. 199, A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A MANAGED CARE OMBUDSMAN PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2680, which changes the title to read **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE

FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, is adopted and engrossed.

Upon motion of Senator Wellons, the Committee Substitute bill is placed at the end of today's Supplemental Calendar.

S.B. 839, A BILL TO BE ENTITLED AN ACT TO PROHIBIT WORKERS' COMPENSATION CARRIERS FROM INCREASING PREMIUMS, REDUCING COVERAGE, OR INCREASING AN EMPLOYER'S LOSS MODIFICATION FACTOR WHEN THE INJURY OF THAT EMPLOYER'S EMPLOYEE IS CAUSED BY A THIRD PARTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6720, which changes the title to read **S.B. 839** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF THE IMPACT OF INJURIES CAUSED BY THIRD PARTIES ON EMPLOYERS' WORKERS' COMPENSATION INSURANCE POLICIES AND PREMIUMS, is adopted and engrossed.

With unanimous consent, upon motion of Senator Wellons, the bill is re-referred to the **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

S.B. 961 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDED DRIVING WHILE LICENSE REVOKED FLEXIBILITY.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 966 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BOARD OF EDUCATION AND BOARD OF GOVERNORS REPORTING REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT PROGRAMS, AND TO DIRECT THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY AND MAKE RECOMMENDATIONS REGARDING PROFESSIONAL DEVELOPMENT IN NORTH CAROLINA.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1034, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40 AND TO REMOVE THE SUNSET.

The Committee Substitute bill passes its second reading (25-23).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, April 26.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

H.B. 142 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT

TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

The Senate Committee Substitute bill No. 2 passes its second (38-10) and third readings and is ordered sent to the House of Representatives by special message for concurrence in Senate Committee Substitute bill No. 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

S.B. 680, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5673, which changes the title to read **S.B. 680** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS AND TO AMEND THE LAWS REGARDING GUN SHOWS, is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 938, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON WHO IMPAIRS A VICTIM BY ADMINISTERING AN INTOXICANT, DRUG, DESIGNER DRUG, OR OTHER SUBSTANCE TO THE VICTIM WITHOUT THE VICTIM'S KNOWLEDGE AND THEN ENGAGES IN A SEX ACT WITH THE VICTIM IS GUILTY OF SECOND DEGREE RAPE OR SEXUAL OFFENSE AND TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, MANUFACTURE, OR DISTRIBUTE DESIGNER DRUGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9594, which changes the title to read **S.B. 938** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY DATE RAPE

DRUG ANALOGUES AND DETERMINE WHETHER THOSE SHOULD BE INCLUDED IN THE SCHEDULES OF CONTROLLED SUBSTANCES, is adopted and engrossed.

S.B. 1032, A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO IMPLEMENT POLICIES TO PROTECT MINORS FROM OBSCENE MATERIAL OR MATERIAL HARMFUL TO MINORS THROUGH USE OF THE INTERNET, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6722, which changes the title to read **S.B. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO IMPLEMENT POLICIES TO PROTECT MINORS FROM OBSCENE MATERIAL OR MATERIAL HARMFUL TO MINORS THROUGH USE OF THE INTERNET, TO PROHIBIT THE DISSEMINATION OF OBSCENITIES BY COMPUTER TRANSMISSION, TO INCREASE THE PENALTIES FOR CERTAIN CRIMINAL OFFENSES CONCERNING MINORS AND OBSCENITY, TO PROHIBIT THE USE OF STATE COMPUTERS TO ACCESS OBSCENITIES, AND TO REGULATE CERTAIN USES OF STATE COMPUTERS, is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR (*continued*)

S.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE MOTOR VEHICLE STATUTES.

Senator Gulley offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives by special message.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

WITHDRAWAL FROM COMMITTEE

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO IMPLEMENT POLICIES TO PROTECT MINORS FROM OBSCENE MATERIAL OR MATERIAL HARMFUL TO MINORS THROUGH USE OF THE INTERNET, TO PROHIBIT THE DISSEMINATION OF OBSCENITIES BY COMPUTER TRANSMISSION, TO INCREASE THE PENALTIES FOR CERTAIN CRIMINAL OFFENSES CONCERNING MINORS AND OBSCENITY, TO PROHIBIT THE USE OF STATE COMPUTERS TO ACCESS OBSCENITIES, AND TO REGULATE CERTAIN USES OF STATE COMPUTERS, referred to the **Appropriations/Base Budget Committee** today, April 25.

Pursuant to Rule 47 (a), Senator Lee offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed at the end of today's Supplemental Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Appropriations/Base Budget Committee** and places it at the end of today's Supplemental Calendar.

S.B. 937 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW.

Senator Horton offers Amendment No. 1.

Senator Purcell calls the previous question on Amendment No. 1, seconded by Senator Rand.

The call is sustained (33-15).

The Amendment fails of adoption (17-32).

The Committee Substitute bill passes its third reading (37-11) and is ordered sent to the House of Representatives by special message.

S.B. 1014 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

Senator Albertson offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 1019 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM, as amended on second reading.

Senator Hartsell offers Amendment No. 2 which is adopted (46-2).

The Committee Substitute bill, as amended, fails to pass its third reading (21-24) and the measure lies upon the table.

The Senate recesses at 8:15 P.M., for the purpose of committee meetings, to reconvene at 8:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

S.B. 15, A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2684, which changes the title to read **S.B. 15** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE MISUSE OF CONFIDENTIAL PERSONNEL INFORMATION BY A LEGISLATOR AND TO CREATE A CRIMINAL PENALTY

FOR THE UNAUTHORIZED DISCLOSURE OF PUBLIC SCHOOL AND COMMUNITY COLLEGE EMPLOYEES' CONFIDENTIAL PERSONNEL INFORMATION, is adopted and engrossed.

S.B. 170, A BILL TO BE ENTITLED AN ACT TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF SCHOOL BUS PASSING LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 9593 is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

SUPPLEMENTAL CALENDAR

Bills placed on today's supplemental are taken up and disposed of as follows:

S.B. 420 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ELIMINATING THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special message.

S.B. 559 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special message.

S.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO REQUIRE OWNERS OF LANDMARKS AND BUILDINGS WITHIN HISTORIC DISTRICTS TO MAINTAIN THEIR PROPERTY IN GOOD CONDITION.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1077 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

With unanimous consent, upon motion of Senator Lee, the Committee Substitute bill is withdrawn from today's Supplemental Calendar and is re-referred to the **Commerce Committee**.

S.B. 280, A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT PROTECTION TO SOCIAL SERVICES WORKERS WHEN INVESTIGATING REPORTS OF ABUSE, NEGLECT, OR DEPENDENCY, AND WHEN TAKING TEMPORARY PHYSICAL CUSTODY OF A JUVENILE.

The President orders, without objection, the bill temporarily displaced.

S.B. 346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAW REGARDING THE CRIMINAL OFFENSE OF STALKING AND CERTAIN DOMESTIC VIOLENCE LAWS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 365 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTRONIC LISTING OF BUSINESS PERSONAL PROPERTY FOR AD VALOREM TAXES AND TO ALLOW COUNTIES TO EXTEND THE LISTING PERIOD FOR ELECTRONIC LISTING.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 280, A BILL TO BE ENTITLED AN ACT TO PROVIDE LAW ENFORCEMENT PROTECTION TO SOCIAL SERVICES WORKERS WHEN INVESTIGATING REPORTS OF ABUSE, NEGLECT, OR DEPENDENCY, AND WHEN TAKING TEMPORARY PHYSICAL CUSTODY OF A JUVENILE, temporarily displaced earlier.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, AND TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO STUDY THE APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE ACT TO THESE AGENCIES.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALER FRANCHISE LAW.

Without objection, Senator Clodfelter requests to be excused from voting on S.B. 470 due to a conflict of interest.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE ACCESS TO HEALTH CARE ADVICE, INFORMATION, AND SERVICES TO COVERED PERSONS UNDER HEALTH BENEFIT PLANS; ESTABLISH STANDARDS FOR HEALTH PLAN DISCLOSURES TO CONSUMERS; ESTABLISH A PATIENTS' ASSISTANCE PROGRAM; REQUIRE COVERAGE FOR CLINICAL TRIALS AND NEWBORN HEARING SCREENING; PROVIDE STANDARDS FOR INDEPENDENT REVIEW OF NONCERTIFICATIONS BY AN INSURER OR MANAGED CARE PLAN, AND TO HOLD MANAGED CARE ENTITIES LIABLE FOR HARM CAUSED TO INSUREDS OR ENROLLEES BY THE FAILURE TO EXERCISE ORDINARY CARE IN MAKING TREATMENT DECISIONS, placed earlier today at the end of today's Supplemental Calendar.

With unanimous consent, upon motion of Senator Wellons, the Committee Substitute bill is taken up out of its regular order of business and is placed before the Senate for

immediate consideration.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Shaw of Cumberland.

S.B. 906 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM THE GENERAL ASSEMBLY BEFORE STATE AGENCIES MAY ENTER INTO INDEMNITY AGREEMENTS.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Supplemental Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO IMPLEMENT POLICIES TO PROTECT MINORS FROM OBSCENE MATERIAL OR MATERIAL HARMFUL TO MINORS THROUGH USE OF THE INTERNET, TO PROHIBIT THE DISSEMINATION OF OBSCENITIES BY COMPUTER TRANSMISSION, TO INCREASE THE PENALTIES FOR CERTAIN CRIMINAL OFFENSES CONCERNING MINORS AND OBSCENITY, TO PROHIBIT THE USE OF STATE COMPUTERS TO ACCESS OBSCENITIES, AND TO REGULATE CERTAIN USES OF STATE COMPUTERS, placed earlier today at the end of today's Supplemental Calendar.

With unanimous consent, upon motion of Senator Lee, the bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Senator Lee offers Amendment No. 1 which is adopted (40-5).

The President orders, without objection, the bill temporarily displaced.

S.B. 476 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PLACE ALL OF THE GREENSBORO 19 PRECINCT IN SUPERIOR COURT DISTRICT 18D.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC VIOLENCE FATALITIES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 646 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, TO OBSTRUCT OR DELAY THE ANIMAL IN THE PERFORMANCE OF ITS OFFICIAL DUTIES, OR TO TEASE OR HARASS THE ANIMAL.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO IMPLEMENT POLICIES TO PROTECT MINORS FROM OBSCENE MATERIAL OR MATERIAL HARMFUL TO MINORS THROUGH USE OF THE INTERNET, TO PROHIBIT THE DISSEMINATION OF OBSCENITIES BY COMPUTER TRANSMISSION, TO

INCREASE THE PENALTIES FOR CERTAIN CRIMINAL OFFENSES CONCERNING MINORS AND OBSCENITY, TO PROHIBIT THE USE OF STATE COMPUTERS TO ACCESS OBSCENITIES, AND TO REGULATE CERTAIN USES OF STATE COMPUTERS, temporarily displaced earlier, as amended.

Senator Foxx offers Amendment No. 2.

Senator Lee calls the previous question on Amendment No. 2 through passage of the Committee Substitute bill, seconded by Senator Odom.

The call is sustained (44-2).

Amendment No. 2 is adopted (43-3).

The Committee Substitute bill, as amended, passes its second (42-4) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 647 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATE'S DISCRETION IN CAPITAL SENTENCING.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Supplemental Calendar and is re-referred to the **Judiciary I Committee**.

S.B. 703 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY IMMUNITY FOR HONORING A PORTABLE DO NOT RESUSCITATE ORDER.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent by special message to the House of Representatives.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

S.B. 742, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO WAIVE IMMUNITY FOR NEGLIGENCE LIABILITY BY THE ADOPTION OF A FUNDED RESERVE AND TO CLARIFY THAT ANY WAIVER OF IMMUNITY IS FROM THE FIRST DOLLAR OF DAMAGES AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Senator Miller offers Amendment No. 1 which is adopted (40-6).

The bill, as amended, passes its second reading (40-7).

Senator Moore objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 26.

RECONSIDERATION

S.B. 1019 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill failed to pass its third reading earlier today be reconsidered.

Senator Webster offers a motion to table Senator Rand's motion to reconsider third reading.

Senator Webster's motion is ruled out of order for lack of a second to the motion. The motion by Senator Rand to reconsider third reading prevails (41-5).

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill

is re-referred to the **Rules and Operations of the Senate Committee**.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

S.B. 766 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE DELIVERY OF MEDICAL SERVICES TO PERSONS WITH DISABILITIES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 789, A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

With unanimous consent, upon motion of Senator Odom, the bill is withdrawn from today's Supplemental Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 790, A BILL TO BE ENTITLED AN ACT TO REVISE THE GOOD FUNDS SETTLEMENT ACT TO REPEAL THE AUTHORITY OF A SETTLEMENT AGENT TO DISBURSE SETTLEMENT PROCEEDS IN RELIANCE ON A DEPOSIT IN THE FORM OF A CHECK DRAWN ON THE ACCOUNT OF OR ISSUED BY A LENDER WHICH IS APPROVED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AS EITHER A SUPERVISED OR NONSUPERVISED MORTAGEE.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 976 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING PROVISIONS OF THE STATE PERSONNEL ACT PERTAINING TO THE NUMBER AND THE APPEALS RIGHTS OF CERTAIN EXEMPT EMPLOYEES.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business and is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF AIRPORT FACILITIES FOR CERTAIN PURPOSES.

The Committee Substitute bill is carried over to the Calendar for tomorrow, Thursday, April 26, as unfinished business.

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.

The bill is carried over to the Calendar for tomorrow, Thursday, April 26, as unfinished buiness.

S.B. 1059, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION

OF CONTRACTOR UNDER THE LAWS RELATING TO PUBLIC CONTRACTS.

The bill is carried over to the Calendar for tomorrow, Thursday, April 26, as unfinished buiness.

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS AT AN EMPLOYEE OF A DETENTION FACILITY WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

The bill is carried over to the Calendar for tomorrow, Thursday, April 26, as unfinished buiness.

S.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.

The Committee Substitute bill is carried over to the Calendar for tomorrow, Thursday, April 26, as unfinished buiness.

Upon motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns, with bills remaining on the Calendar, subject to receipt of committee reports and messages from the House of Representatives, to meet tomorrow, Thursday, April 26, at 9:30 A.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 106 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION.

Referred to **Education/Higher Education Committee**.

H.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADMINISTRATIVE FLEXIBILITY TO SCHOOLS THAT ARE CLOSED DUE TO INCLEMENT WEATHER.

Referred to **Education/Higher Education Committee**.

H.B. 164, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

Referred to **Insurance/Consumer Protection Committee**.

H.B. 314 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A VEHICLE APPROACHES ANOTHER VEHICLE IN THE OPPOSITE DIRECTION, AT NIGHT, ONLY LOW-BEAM HEADLAMPS AND NO MORE THAN TWO OTHER FACTORY-INSTALLED AUXILIARY LAMPS MAY BE ILLUMINATED.

Referred to **Transportation Committee**.

H.B. 338 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL

STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to **Judiciary I Committee**.

H.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 9(J) OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING WHICH JUDGE MAY SIGN ORDERS EXTENDING THE STATUTE OF LIMITATIONS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.
Referred to **Judiciary I Committee**.

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA.
Referred to **Commerce Committee**.

H.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT STANDARD BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING ACCOUNTING METHODOLOGY.
Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 622, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY DECLARE THAT THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS NOT AN UNREASONABLY DANGEROUS ACTIVITY AND DOES NOT CONSTITUTE A NUISANCE PER SE; TO PROVIDE THAT THE AUTHORITY TO BRING SUIT AGAINST ANY FIREARM OR AMMUNITION MARKETER, MANUFACTURER, DISTRIBUTOR, DEALER, SELLER, OR TRADE ASSOCIATION BY OR ON BEHALF OF ANY GOVERNMENTAL UNIT FOR REMEDIES RESULTING FROM OR RELATED TO THE LAWFUL DESIGN, MARKETING, MANUFACTURE, DISTRIBUTION, SALE, OR TRANSFER OF FIREARMS OR AMMUNITION TO THE PUBLIC IS RESERVED EXCLUSIVELY TO THE STATE; AND TO PROVIDE THAT ANY SUCH ACTION SHALL BE BROUGHT BY THE ATTORNEY GENERAL ON BEHALF OF THE STATE.
Referred to **Judiciary II Committee**.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.
Referred to **Commerce Committee**.

H.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAW OF FIDUCIARIES AND DECEDENTS' ESTATES.
Referred to **Judiciary I Committee**.

H.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF REFRIGERATION TRADE OR BUSINESS UNDER THE LAWS RELATING TO REFRIGERATION CONTRACTORS.

Referred to **Commerce Committee**.

By Senators Alexander and Luebke:

H.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS, WITH STATE BOARD APPROVAL, TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

Referred to **Judiciary II Committee**.

H.B. 875 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 910 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY, GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA AND SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

Referred to **State and Local Government Committee**.

H.B. 977, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE VOTING.

Referred to **Judiciary I Committee**.

H.B. 1003, A BILL TO BE ENTITLED AN ACT TO GRANT AN ALLOWANCE FOR CONTROLLED HUNTING PRESERVES LICENSED BY THE WILDLIFE RESOURCES COMMISSION FOR THE TAKING OF DOMESTICALLY RAISED GAME BIRDS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1006, A BILL TO BE ENTITLED AN ACT TO AMEND ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to **Agriculture/Environment/ Natural Resources Committee**.

H.J.R. 1016, A JOINT RESOLUTION HONORING THE MEMORY OF GRADY HOWARD UPON THE FIFTIETH ANNIVERSARY OF THE TOWN OF SPRING LAKE.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 1043, A BILL TO BE ENTITLED AN ACT TO PROVIDE WILDLIFE PROTECTORS WITH AUTHORITY TO ENFORCE THE LAWS AGAINST TRESPASSING UPON POSTED PROPERTY.

Referred to **Judiciary II Committee**.

H.B. 1046 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ACCURACY AND UNDERSTANDABILITY OF PRECINCT DATA.

Referred to **Redistricting Committee**.

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HEALTH BENEFIT PLANS SHALL NOT MANDATE ADDITIONAL COVERAGE BEYOND WHAT IS REQUIRED AS OF DECEMBER 31, 2001, WITH CERTAIN EXCEPTION; AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF HEALTH INSURANCE MANDATES.

Referred to **Insurance/Consumer Protection Committee**.

H.B. 1087 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VOLUNTEER FILES MAINTAINED BY LOCAL BOARDS OF EDUCATION PRIVATE.

Referred to **Education/Higher Education Committee**.

H.B. 1088, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COMMON LAW DETERMINES WHETHER A DRIVER OF A TRUCK OR TRACTOR TRAILER OF AN INTERSTATE MOTOR CARRIER IS AN EMPLOYEE SUBJECT TO THE WORKERS' COMPENSATION ACT.

Referred to **Commerce Committee**.

H.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE.

Referred to **Judiciary I Committee**.

H.B. 1126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES.

Referred to **Judiciary I Committee**.

H.B. 1147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT A HOSPITAL TO TEMPORARILY INCREASE ITS BED CAPACITY AFTER NOTIFYING THE DIVISION OF FACILITY SERVICES.

Referred to **Health Care Committee**.

H.B. 1160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR UNIFORM PROVIDER CREDENTIALING BY HEALTH

INSURANCE PLANS.
Referred to **Health Care Committee**.

H.B. 1192, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE POLL CLOSING TIMES.
Referred to **Judiciary I Committee**.

H.B. 1215, A BILL TO BE ENTITLED AN ACT TO EXTEND BY FIVE YEARS THE SUNSET REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS.
Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES.
Referred to **Finance Committee**.

H.B. 1230, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONTROLLED SUBSTANCE ANALOGUE, IF INTENDED FOR HUMAN CONSUMPTION, SHALL BE TREATED AS A SCHEDULE I CONTROLLED SUBSTANCE FOR THE PURPOSES OF ANY STATE LAW.
Referred to **Judiciary II Committee**.

H.B. 1257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE TO THE DIVISION OF FOREST RESOURCES THE RESPONSIBILITY TO DETERMINE THE PRESENCE OF SURFACE WATERS THAT MAY BE AFFECTED BY SILVICULTURE ACTIVITIES FOR PURPOSES OF THE RIPARIAN BUFFER PROTECTION PROGRAM.
Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1341, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.
Referred to **Commerce Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:01 P.M.

FIFTY-FOURTH DAY

Senate Chamber
Thursday, April 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Charlie Albertson, Senator from Duplin County.

The Chair grants a leave of absence for today to Senator Jordan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, April 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles Hayes Mann from Cary, North Carolina, who is serving the Senate as Doctor of the Day.

UNFINISHED BUSINESS

Bills and resolutions on the Calendar, carried forward as unfinished business from yesterday, Wednesday, April 25, are taken up and disposed of, as follows:

S.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF AIRPORT FACILITIES FOR CERTAIN PURPOSES.

Without objection, Senator Clodfelter requests to be excused from voting on the bill due to a conflict of interest.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1036, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 900 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD; TO AUTHORIZE THE BOARD TO HIRE AN EXECUTIVE DIRECTOR; TO ESTABLISH THE BUDGET SUBCOMMITTEE OF THE BOARD; AND TO ESTABLISH THE CRIMINAL JUSTICE TECHNOLOGY FUND.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 1059, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF CONTRACTOR UNDER THE LAWS RELATING TO PUBLIC CONTRACTS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 935, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW GOVERNING THE TIME OF APPOINTMENT OF COUNSEL FOR JUVENILES

CHARGED WITH CERTAIN OFFENSES.

With unanimous consent, upon motion of Senator Odom, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 1081, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS AT AN EMPLOYEE OF A DETENTION FACILITY WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 569, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 633, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ARCHDALE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 165 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives by special message.

S.B. 967, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND

ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special message.

S.B. 353 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, upon second reading.

The President orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS, temporarily displaced earlier.

Senator Carter offers Amendment No. 1 which is adopted (45-1).

The Committee Substitute bill, as amended, passes its second (46-1) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 160 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS.

The Committee Substitute bill No. 2 passes its second (45-0) and third readings and is ordered sent by special message to the House of Representatives.

CROSSOVER DEADLINE AGREEMENT

North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27603

CROSSOVER DEADLINE AGREEMENT

April 26, 2001

AGREEMENT TO COVER BILLS AND RESOLUTIONS PASSED FOLLOWING ADJOURNMENT OF EITHER CHAMBER PRIOR TO THE OTHER ON April 26,

2001, CROSSOVER DEADLINE.

It is agreed that all bills and resolutions passed by the House of Representatives or the Senate on April 26, 2001, and ordered sent to the other chamber, but not read as a message on the floor of either Body, shall be considered to have met the provisions of House Rule 31.1(d) and Senate Rule 41.

S/ James B. Black
Speaker of the House

S/ Marc Basnight
Senate President Pro Tempore

S.B. 167 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW COUNTIES TO ESTABLISH THE RATES FOR REIMBURSEMENT FOR ADULT DAY CARE FROM THE HOME AND COMMUNITY CARE BLOCK GRANT FUND.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF TRANSPORTATION TO USE FUNDS DESIGNATED FOR PROJECTS THAT ARE DELAYED FOR OTHER PROJECTS THAT ARE READY TO BE CONSTRUCTED.

The Committee Substitute bill passes its second (44-5) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 416, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 68 OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING THE DEFINITION OF "JUDGMENT FINALLY OBTAINED" AND BY CHANGING THE TIME PERIODS FOR EXTENDING AND ACCEPTING OFFERS OF JUDGMENT PRIOR TO TRIAL AND TO MAKE OTHER CONFORMING CHANGES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

The bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

Senator Reeves offers Amendment No. 1.

The President orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

S.B. 1080, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE NORTH CAROLINA PROGRESS BOARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2683, which changes the title to read **S.B. 1080** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE NORTH CAROLINA PROGRESS BOARD, is adopted and engrossed.

Upon motion of Senator Soles, the bill is re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 353 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, temporarily displaced earlier, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 43, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—43.

Voting in the negative: Senators Ballance, Ballantine, Moore, Rucho and Webster—5.

The Committee Substitute bill No. 2, as amended, remains on the Calendar.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 639, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEEP RIVER HERITAGE CORRIDOR WITHIN THE COUNTIES OF CHATHAM, FORSYTH, GUILFORD, LEE, MONTGOMERY, MOORE, AND RANDOLPH; TO ESTABLISH THE DEEP RIVER HERITAGE CORRIDOR PLANNING COMMITTEE; AND TO PROVIDE FOR THE PREPARATION OF A RESOURCE MANAGEMENT PLAN FOR THE DEEP RIVER HERITAGE CORRIDOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3839 is adopted and engrossed.

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed at the end of today's Calendar.

S.B. 1024, A BILL TO BE ENTITLED AN ACT TO AMEND THE MANNER IN

WHICH MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ARE APPOINTED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3836, which changes the title to read **S.B. 1024** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM SEVENTEEN TO EIGHTEEN, TO ALTER THE MANNER IN WHICH MEMBERS OF THE COMMISSION ARE APPOINTED, AND TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR MEMBERS OF THE COMMISSION, is adopted and engrossed.

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed at the end of today's Calendar.

S.B. 1047, A BILL TO BE ENTITLED AN ACT TO IMPROVE AIR QUALITY IN THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6721, which changes the title to read **S.B. 1047** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE AIR QUALITY IN THE MOUNTAIN REGION OF THE STATE, is adopted and engrossed.

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed at the end of today's Calendar.

CALENDAR (*continued*)

S.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS ADMITTED TO CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 778 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 815 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION CHARTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO STUDY DATE RAPE DRUG ANALOGUES AND DETERMINE WHETHER THOSE SHOULD BE INCLUDED IN THE SCHEDULES OF CONTROLLED SUBSTANCES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 947 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPEECH AND LANGUAGE PATHOLOGISTS AND SCHOOL PSYCHOLOGISTS IN THE PUBLIC SCHOOLS TO PARTICIPATE IN THE MENTOR PROGRAM IN THE SAME MANNER AS TEACHERS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 1038 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 261, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE VETERANS HOME ACT.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 9.

S.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, temporarily displaced earlier, with Amendment No. 1 pending.

Senator Reeves withdraws Amendment No. 1.

Senator Reeves offers Amendment No. 2.

The President orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 2 pending.

The President relinquishes the gavel to Senator Ballance, Deputy President Pro Tempore, who presides in the absence of the Lieutenant Governor.

Senator Ballance, Deputy President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Perdue, who presides.

The Chair grants a leave of absence for the remainder of today's session to Senator Carrington.

S.B. 742, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO WAIVE IMMUNITY FOR NEGLIGENCE LIABILITY BY THE ADOPTION OF A FUNDED RESERVE AND TO CLARIFY THAT ANY WAIVER OF IMMUNITY IS FROM THE FIRST DOLLAR OF DAMAGES AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, as amended on second reading.

The bill, as amended, passes its third reading (44-0) and is ordered engrossed and sent to the House of Representatives by special message.

CALENDAR *(continued)*

S.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40 AND TO REMOVE THE SUNSET.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

The Chair grants a leave of absence for the remainder of today's session to Senator Dalton and Senator Moore.

S.B. 639 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEEP RIVER HERITAGE CORRIDOR WITHIN THE COUNTIES OF CHATHAM, FORSYTH, GUILFORD, LEE, MONTGOMERY, MOORE, AND RANDOLPH; TO ESTABLISH THE DEEP RIVER HERITAGE CORRIDOR PLANNING COMMITTEE; AND TO PROVIDE FOR THE PREPARATION OF A RESOURCE MANAGEMENT PLAN FOR THE DEEP RIVER HERITAGE CORRIDOR, placed earlier on today's calendar.

Senator Hagan offers Amendment No. 1 which is adopted (41-1).

The Committee Substitute bill, as amended, passes its second (41-4) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 1024 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE MANNER IN WHICH MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ARE APPOINTED, placed earlier on today's Calendar.

Senator Carter offers Amendment No. 1 which is adopted (46-0) and changes the title to read **S.B. 1024** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALTER THE MANNER IN WHICH MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ARE APPOINTED, AND TO PROVIDE FOR STAGGERED FOUR-YEAR TERMS FOR MEMBERS OF THE COMMISSION.

The Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

RECOGNITION OF THE DUKE UNIVERSITY BASKETBALL TEAM

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to the Duke University Basketball Team, 2001 NCAA National Champions. Senator Gulley, Chair; Senator Allran; Senator Hagan; Senator Lucas and Senator Reeves are appointed to escort Coach Mike Krzyzewski and members of the team to the Well of the Senate.

Coach Mike Krzyzewski is recognized for brief remarks and introduces members of the team and coaches.

The President recognizes the Committee to escort the guests from the Chamber. The guests depart to a standing ovation.

S.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, temporarily displaced earlier, with Amendment No. 2 pending.

Senator Reeves withdraws Amendment No. 2.

Senator Reeves offers Amendment No. 3.

The President orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 3 pending.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore who presides in the absence of the Lieutenant Governor.

S.B. 1047 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE AIR QUALITY IN THE MOUNTAIN REGION OF THE STATE, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special message.

S.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ACCESS TO CERTAIN CONFIDENTIAL STATE EMPLOYEE INFORMATION UPON THE APPROVAL OF THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, temporarily displaced earlier, with Amendment No. 3 pending.

Amendment No. 3 is adopted (46-0) and changes the title to read **S.B. 15** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE AUTHORIZATION FOR MEMBERS OF THE GENERAL ASSEMBLY TO ACCESS CONFIDENTIAL PERSONNEL INFORMATION OF PUBLIC SCHOOL, COMMUNITY COLLEGE, AND STATE EMPLOYEES.

Senator Webster offers Amendment No. 4 which fails of adoption (11-34).

The Committee Substitute bill, as amended, passes its second (44-2) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 19, AN ACT TO ALLOW CAROLINA BEACH, CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, KURE BEACH, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS.

H.B. 77, AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY VARIOUS MUNICIPALITIES.

H.B. 569, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA.

H.B. 633, AN ACT TO AUTHORIZE THE CITY OF ARCHDALE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS.

CALENDAR *(continued)*

S.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIUM ON OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAY 40 AND TO REMOVE THE SUNSET, temporarily displaced earlier.

Senator Horton announces a pair vote. If Senator Moore were present he would vote "no"; Senator Horton votes "aye".

The Committee Substitute bill passes its third reading (28-17) and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

H.B. 599 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CONSUMER FINANCE ACT TO INCREASE THE AMOUNT OF LOANABLE ASSETS REQUIRED BEFORE AN ENTITY IS LICENSED TO ENGAGE IN BUSINESS IN THE STATE, TO REVISE THE AMOUNT OF, AND MAXIMUM RATE OF INTEREST FOR, SMALL LOANS, TO REVISE THE COLLECTION OF INTEREST UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH A LOAN PROCESSING FEE, TO ALLOW LENDERS TO CHARGE A LATE PAYMENT PENALTY UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE DISCLOSURE ON SOLICITATION OF LOANS BY FACSIMILE OR NEGOTIABLE CHECKS, TO ALLOW LENDERS TO MAINTAIN CERTAIN RECORDS IN THE FORM OF OPTICAL IMAGE DISKS, TO REPEAL OBSOLETE PROVISIONS OF THE GENERAL STATUTES, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

H.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON STREETS OWNED BY WEST SIDE LANDOWNERS ASSOCIATION, INC., IN MOORE COUNTY.

Referred to **State and Local Government Committee**.

H.B. 804 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, CRAVEN, MCDOWELL, MONTGOMERY, AND PAMLICO COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION.

Referred to **Finance Committee**.

H.B. 842, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PISTOL MAY BE PURCHASED BY A PERSON WHO HAS A CONCEALED HANDGUN PERMIT WITHOUT OBTAINING AN ADDITIONAL PERMIT TO PURCHASE A HANDGUN.

Referred to **Judiciary II Committee**.

H.B. 1068 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

Referred to **Health Care Committee**.

H.B. 1120, A BILL TO BE ENTITLED AN ACT TO REQUIRE INEXPERIENCED DRIVERS TO MAINTAIN FINANCIAL RESPONSIBILITY CONTINUOUSLY AND INSURANCE COMPANIES TO TRANSMIT INFORMATION REGARDING FINANCIAL RESPONSIBILITY OF DRIVERS TO THE DIVISION OF MOTOR VEHICLES IN AN ELECTRONIC FORM.

Referred to **Insurance and Consumer Protection Committee**.

H.B. 1312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

Upon motion of Senator Ballance, seconded by Senator Webster, the Senate adjourns at 1:15 P.M., subject to receipt of messages from the House of Representatives, to meet Monday, April 30, at 7:00 P.M.

FIFTY-FIFTH DAY

Senate Chamber
Monday, April 30, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, first of all we offer gratitude for the great volume of work that was accomplished in the Senate last week. Your servants labored long and faithfully.

"After such a week we confess that sometimes we try to save the world by ourselves, ending up only tired and frustrated instead of being satisfied. We try to do everything, even that which you have not called us to do. Busy and fatigued we end up not being able to respond when you do call us to action.

"So help us this week to see the good we should do, when to rest, when to trust and when to go forward. To your glory we pray, Amen."

*Parts of this prayer are from Be Thou Present by Peggy A. Haynes.

The Chair grants leaves of absence for tonight to Senator Basnight, Senator Hoyle, Senator Jordan, Senator Lee, Senator Metcalf, Senator Moore, Senator Shaw of Guilford and Senator Wellons.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, April 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Steven Edward

Landau from Kenly, North Carolina, who is serving the Senate as Doctor of the Day, and to Joan A. Lee from Apex, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 19, AN ACT TO ALLOW CAROLINA BEACH, CARTERET COUNTY, DARE COUNTY, AND THE TOWNS OF INDIAN BEACH, KILL DEVIL HILLS, KITTY HAWK, KURE BEACH, NAGS HEAD, NORTH TOPSAIL BEACH, PINE KNOLL SHORES, SURF CITY, TOPSAIL BEACH, AND WRIGHTSVILLE BEACH TO EXERCISE THE POWER OF EMINENT DOMAIN FOR PURPOSES OF ENGAGING IN BEACH EROSION CONTROL AND FLOOD AND HURRICANE PROTECTION WORKS AND PUBLIC BEACH ACCESS. (Became law upon ratification, April 26, 2001–S.L. 2001- 36).

H.B. 77, AN ACT TO REMOVE THE PERCENTAGE OF AREA LIMITATION FOR SATELLITE ANNEXATIONS BY VARIOUS MUNICIPALITIES. (Became law upon ratification, April 26, 2001–S.L. 2001-37).

H.B. 569, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF FUQUAY-VARINA. (Became law upon ratification, April 26, 2001–S.L. 2001- 38).

H.B. 633, AN ACT TO AUTHORIZE THE CITY OF ARCHDALE TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS. (Became law upon ratification, April 26, 2001–S.L. 2001-39).

S.B. 3, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE DESERT STORM SPECIAL REGISTRATION PLATES. (Became law upon approval of the Governor, April 26, 2001–S.L. 2001-40).

H.B. 740, AN ACT AUTHORIZING THE LEGISLATIVE SERVICES COMMISSION TO OPERATE THE SNACK BAR IN THE LEGISLATIVE OFFICE BUILDING. (Became law upon approval of the Governor, April 26, 2001–S.L. 2001-41).

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

S.B. 353 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, upon third reading.

Senator Kerr offers Amendment No. 2 as a perfecting Amendment to Amendment No. 1, which was adopted on April 26.

Amendment No. 2 is adopted (37-1).

The Committee Substitute Bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative are: Senators Albertson, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr,

Kinnaird, Lucas, Martin of Guilford, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Soles, Swindell, Thomas, Warren and Weinstein—37.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Harris, the President extends the courtesies of the gallery to Jean Harris, wife of Senator Harris; Jean McCall, mother of Senate Page Lyndsey McCall and her daughter Holley; and Mr. and Mrs. Stan Crisp, parents of Senate Page Connie Crisp.

APPOINTMENT BY THE GOVERNOR

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

April 30, 2001

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §62-10, I hereby appoint James Yancey Kerr, II and Michael Satterfield Wilkins to serve as members of the North Carolina Utilities Commission and submit their names for confirmation by the North Carolina General Assembly. Both terms shall begin July 1, 2001 and will expire June 30, 2009.

Mr. Kerr will fill the seat currently held by Ralph Hunt and Mr. Wilkins will fill the seat currently held by Judy Hunt.

Additionally, I appoint Lorinzo Joyner to continue to serve on the Commission. Ms. Joyner is currently completing the term previously held by William Pittman. Mr. Pittman resigned effective January 24.

Finally, I am reappointing Joanne Sanford as chair of the Commission. Ms. Sanford has served as a member of the Commission since 1995 and as chair since 1997.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,
S/Michael Easley

Referred to **Commerce Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Kathryn Cloninger-Kirk, Troy; Connie Marie Crisp, Lillington; Allison Cheryl Freuler, Greenville; Quinn West Godwin, Pembroke; Seth Devere Greene, Mount Airy; Kelley Haven, Greenville; Patricia Massey, Laurinburg; Lyndsey M. McCall, Angier; Jenni Moore, Lincolnton; Janelle Moore, Lincolnton; Brittany Nicole Pierce, West Jefferson; Zachary Richard Russell, Candler; William Paul Stanley, Pilot Mountain; Cody Tipton, Burnsville; Jamie Blair Watson, Robersonville; Danny L. Wobbleton, Jr., Plymouth; and Aleksandra Yadusky, Franklinton.

RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 766 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE DELIVERY OF MEDICAL SERVICES TO PERSONS WITH DISABILITIES.

Senator Rand offers a motion that the Committee Substitute bill, which passed its second and third readings on April 25, be recalled from the House of Representatives for further consideration by the Senate, which motion prevails, with unanimous consent.

A message is ordered sent to the House of Representatives requesting the return of S.B. 766.

Upon motion of Senator Ballance, seconded by Senator Webster, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet tomorrow, Tuesday, May 1, at 3:00 P.M.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting bills which are read the first time and disposed of, as follows:

S.B. 25 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, for concurrence in the House Committee Substitute.

Pursuant to Rule 43, the House Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral.

H.B. 218 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS.

Pursuant to Rule 43, the Committee Substitute Bill No. 2 is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEIZED FIREARMS MAY BE USED BY LAW ENFORCEMENT AGENCIES FOR OFFICIAL LAW ENFORCEMENT PURPOSES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 360 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; TO EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; TO ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; TO MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; TO CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; AND TO CLARIFY THE LAW ON DEEMER PROVISIONS.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is ordered held in the office of the Principal Clerk pending referral.

H.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED HANDGUN PERMIT HOLDERS OF OTHER STATES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A MEMORIAL MARKER PROGRAM FOR PERSONS KILLED AS A RESULT OF ACCIDENTS INVOLVING IMPAIRED DRIVING.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 494, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR UNLAWFULLY CARRYING A CONCEALED WEAPON.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 568, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the

Principal Clerk pending referral to committee.

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT DRESS CODE AND APPEARANCE POLICIES FOR PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 793 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSES OF INDECENT BEHAVIOR BETWEEN MINORS FOR THE PURPOSE OF PRODUCING INDECENT PHOTOGRAPHS OR OTHER ELECTRONIC VISUAL MATERIALS AND DISSEMINATION OF INDECENT MATERIALS BY MINORS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT ELEVEN INTO A SET OF DISTRICTS FOR ELECTORAL PURPOSES ONLY.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 941 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES IN NORTH CAROLINA WITH POPULATIONS OF ONE HUNDRED THOUSAND OR MORE TO ENACT ORDINANCES PROHIBITING DISCRIMINATION.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 946 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE AND TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA".

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 983, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC

ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 998, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNDER STATE LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1007, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE OF NORTH CAROLINA.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1009, A BILL TO BE ENTITLED AN ACT TO EXPAND AND MAKE CONSISTENT THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ALLOW FOR RISK-BASED REMEDIAL ACTIONS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1063 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1085, A BILL TO BE ENTITLED AN ACT TO ELIMINATE DE NOVO APPEALS TO THE SUPERIOR COURT FROM A DISTRICT COURT JUDGE'S REVOCATION OF PROBATION OR IMPOSITION OF SPECIAL PROBATION.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1109, A BILL TO BE ENTITLED AN ACT TO IMPROVE NORTH CAROLINA'S LAWS PERTAINING TO ACCESS TO EYE CARE PROVIDERS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1154 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1184 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE THRESHOLD FOR A STATEWIDE SECOND PRIMARY TO TWENTY- FIVE PERCENT.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1186 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF THE SPONSOR OR INITIATOR OF A PERSUASIVE POLL.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1193, A BILL TO BE ENTITLED AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS AND INNOCENT MOTOR VEHICLE OWNERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1232, A BILL TO BE ENTITLED AN ACT TO DIRECT THE HEALTH AND WELLNESS TRUST FUND COMMISSION TO ENDEAVOR TO FUND PROGRAMS AND INITIATIVES TO EXPAND ACCESS TO PRESCRIPTION DRUGS FOR SENIORS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF REGISTERED NURSE FIRST ASSISTANTS UNDER HEALTH INSURANCE POLICIES AND PLANS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1269, A BILL TO BE ENTITLED AN ACT REGARDING AIRPORT FEES AND CHARGE FOR RENTAL CARS.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1301, A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.

H.B. 1308 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE BY WHICH ONLY LOW-SULFUR GASOLINE MAY BE SOLD IN THE STATE AND TO AUTHORIZE THE GOVERNOR TO TEMPORARILY WAIVE STATE LOW-SULFUR GASOLINE STANDARDS IN FAVOR OF FEDERAL LOW-SULFUR GASOLINE STANDARDS IF THE GOVERNOR FINDS THAT ENFORCEMENT OF THE STATE STANDARDS WOULD HAVE A SIGNIFICANT ADVERSE IMPACT ON THE SUPPLY OR PRICE OF GASOLINE IN THE STATE.

Pursuant to Rule 43, the Committee Substitute bill is ordered held in the office of the Principal Clerk pending referral to committee.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 7:29 P.M.

FIFTY-SIXTH DAY

Senate Chamber
Tuesday, May 1, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"God of Compassion, if our thanksgiving is no more than self-congratulation, if we pray but we do not give, if we do not see you among all persons, ages, and economic resources, help us!

"Grant to us a spirit of gratitude that opens our hands, our hearts and extends our arms to encompass all of your children, because by example you have taught us to do so. Amen."

The Chair grants leaves of absence for today to Senator Ballance, Senator Jordan, Senator Kerr and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, April 30, has been examined and is found to be correct. Upon his motion, the

Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jeffrey Phillip Engel from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Wellons for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 880, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

Upon the appearance of Senator Ballance and Senator Kerr in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

H.B. 85 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC.

The Committee Substitute bill passes its second reading (47-0).

Senator Gulley objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, May 2.

WITHDRAWAL FROM COMMITTEE

S.B. 970, A BILL TO BE ENTITLED AN ACT RELATING TO THE GRAPE GROWERS COUNCIL, referred to the **Rules and Operations of the Senate Committee** on April 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Martin of Guilford, the Senate adjourns subject to referral of messages from the House of Representatives and ratification of bills, to meet tomorrow, Wednesday, May 1, at 3:00 P.M.

WITHDRAWAL FROM CLERK'S OFFICE

Special messages previously received in the Office of the Principal Clerk from the House of Representatives transmitting bills and ordered held in the Office of the Principal Clerk on April 30, 2001, pending referral are withdrawn from the Principal Clerk's Office and referred as follows:

S.B. 25 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is ordered placed on the Calendar for Wednesday, May 2, for concurrence.

H.B. 218 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS.

Referred to **Judiciary I Committee**.

H.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEIZED FIREARMS MAY BE USED BY LAW ENFORCEMENT AGENCIES FOR OFFICIAL LAW ENFORCEMENT PURPOSES.

Referred to **Judiciary II Committee**.

H.B. 360 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; TO EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; TO ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; TO MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; TO CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; AND TO CLARIFY THE LAW ON DEEMER PROVISIONS.

Referred to **Insurance and Consumer Protection Committee**.

H.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCAL CONCEALED HANDGUN RIGHTS TO CONCEALED

HANDGUN PERMIT HOLDERS OF OTHER STATES.

Referred to **Judiciary II Committee**.

H.B. 460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A MEMORIAL MARKER PROGRAM FOR PERSONS KILLED AS A RESULT OF ACCIDENTS INVOLVING IMPAIRED DRIVING.

Referred to **Appropriations/Base Budget Committee**.

H.B. 494, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR UNLAWFULLY CARRYING A CONCEALED WEAPON.

Referred to **Judiciary II Committee**.

H.B. 568, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE PUBLIC SCHOOLS PROTECT THE RIGHTS OF STUDENTS AND THEIR FAMILIES.

Referred to **Education/Higher Education Committee**.

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT DRESS CODE AND APPEARANCE POLICIES FOR PUBLIC SCHOOL STUDENTS AND EMPLOYEES.

Referred to **Education/Higher Education Committee**.

H.B. 793 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSES OF INDECENT BEHAVIOR BETWEEN MINORS FOR THE PURPOSE OF PRODUCING INDECENT PHOTOGRAPHS OR OTHER ELECTRONIC VISUAL MATERIALS AND DISSEMINATION OF INDECENT MATERIALS BY MINORS.

Referred to **Judiciary II Committee**.

H.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT ELEVEN INTO A SET OF DISTRICTS FOR ELECTORAL PURPOSES ONLY.

Referred to **Judiciary I Committee**.

H.B. 941 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES IN NORTH CAROLINA WITH POPULATIONS OF ONE HUNDRED THOUSAND OR MORE TO ENACT ORDINANCES PROHIBITING DISCRIMINATION.

Referred to **Judiciary II Committee**.

H.B. 946 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE AND TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES.

Referred to **Judiciary I Committee**.

H.B. 948 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAW REGARDING THE DEFINITION OF "SPECIAL ABC AREA".

Referred to **Judiciary I Committee**.

H.B. 983, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES.

Referred to **Judiciary I Committee**.

H.B. 998, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNDER STATE LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED.

Referred to **Judiciary II Committee**.

H.B. 1007, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ENVIRONMENTAL STATUTES OF THE STATE OF NORTH CAROLINA.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1009, A BILL TO BE ENTITLED AN ACT TO EXPAND AND MAKE CONSISTENT THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL ALLOW FOR RISK-BASED REMEDIAL ACTIONS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH.

Referred to **Judiciary I Committee**.

H.B. 1063 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND STORAGE TANKS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1085, A BILL TO BE ENTITLED AN ACT TO ELIMINATE DE NOVO APPEALS TO THE SUPERIOR COURT FROM A DISTRICT COURT JUDGE'S REVOCATION OF PROBATION OR IMPOSITION OF SPECIAL PROBATION.

Referred to **Judiciary I Committee**.

H.B. 1109, A BILL TO BE ENTITLED AN ACT TO IMPROVE NORTH

CAROLINA'S LAWS PERTAINING TO ACCESS TO EYE CARE PROVIDERS.
Referred to **Health Care Committee**.

H.B. 1125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR ENROLLING CHILDREN IN THE PUBLIC SCHOOLS.
Referred to **Education/Higher Education Committee**.

H.B. 1154 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA.
Referred to **Judiciary II Committee**.

H.B. 1184 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE THRESHOLD FOR A STATEWIDE SECOND PRIMARY TO TWENTY- FIVE PERCENT.
Referred to **Rules Committee and Operations of the Senate**.

H.B. 1186 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX.
Referred to **Judiciary I Committee**.

H.B. 1187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE OF THE SPONSOR OR INITIATOR OF A PERSUASIVE POLL.
Referred to **Rules and Operations of the Senate Committee**.

H.B. 1193, A BILL TO BE ENTITLED AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX.
Referred to **Judiciary I Committee**.

H.B. 1195, A BILL TO BE ENTITLED AN ACT TO GIVE ILL AND DISABLED CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REQUEST ABSENTEE BALLOTS FOR AN ENTIRE CALENDAR YEAR.
Referred to **Judiciary I Committee**.

H.B. 1217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS AND INNOCENT MOTOR VEHICLE OWNERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS.
Referred to **Judiciary II Committee**.

H.B. 1232, A BILL TO BE ENTITLED AN ACT TO DIRECT THE HEALTH AND WELLNESS TRUST FUND COMMISSION TO ENDEAVOR TO FUND PROGRAMS AND INITIATIVES TO EXPAND ACCESS TO PRESCRIPTION DRUGS FOR SENIORS.
Referred to **Health Care Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1266, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF REGISTERED NURSE FIRST ASSISTANTS UNDER HEALTH

INSURANCE POLICIES AND PLANS.

Referred to **Rules and Operations of the Senate Committee**.

H.B. 1301, A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION.

Referred to **Agriculture/Environment/Natural Resources Committee**.

H.B. 1308 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DATE BY WHICH ONLY LOW-SULFUR GASOLINE MAY BE SOLD IN THE STATE AND TO AUTHORIZE THE GOVERNOR TO TEMPORARILY WAIVE STATE LOW-SULFUR GASOLINE STANDARDS IN FAVOR OF FEDERAL LOW-SULFUR GASOLINE STANDARDS IF THE GOVERNOR FINDS THAT ENFORCEMENT OF THE STATE STANDARDS WOULD HAVE A SIGNIFICANT ADVERSE IMPACT ON THE SUPPLY OR PRICE OF GASOLINE IN THE STATE.

Referred to **Rules and Operations of the Senate Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 831, AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:33 P.M.

FIFTY-SEVENTH DAY

Senate Chamber
Wednesday, May 2, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Yvette Lewis of Columbia, Maryland, a native of Charlotte, who sings "The Lord's Prayer".

The Chair grants a leave of absence for today to Senator Jordan.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jesse Neal McNiel from Burlington, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 142, AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 831, AN ACT TO EXTEND THE DEADLINE FOR THE GOVERNOR TO APPOINT THE STATE CONTROLLER TO JUNE 15, 2001. (Became law upon approval of the Governor, May 1, 2001- S.L. 2001-42.)

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their title, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 329, A BILL TO BE ENTITLED AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS, with a favorable report.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST INFORMATION ABOUT STAFFING LEVELS, with a favorable report.

By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL", with a favorable report.

H.B. 410 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT

COMMUNITY COLLEGE BOARDS TO DISPOSE OF CERTAIN REAL AND PERSONAL PROPERTY WITHOUT THE APPROVAL OF THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

H.B. 979 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS, with a favorable report.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND RENOVATION OF PUBLIC SCHOOL FACILITIES, with a favorable report.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE AND THE TOWN OF CHAPEL HILL TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY, with a favorable report.

H.B. 664, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF ROCKINGHAM, with a favorable report.

H.B. 682, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY, with a favorable report.

H.B. 683, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE PLYMOUTH TOWN COUNCIL ELECTED FROM A WARD ARE VOTED ON ONLY WITHIN THAT WARD, with a favorable report.

H.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REGULATION OF OCEAN ACTIVITIES BY DARE COUNTY, with a favorable report.

H.B. 727, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY DEPARTMENT OF SOCIAL SERVICES, with a favorable report.

By Senator Soles for the **Commerce Committee**:

S.B. 860, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES AND TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8644 is adopted and engrossed.

Upon motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

May 2, 2001

WITHDRAWAL FROM COMMITTEE

H.B. 109, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY, referred to the **Appropriations/Base Budget Committee** on April 9.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Insurance and Consumer Protection Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Insurance and Consumer Protection Committee**.

RECOGNITION OF AMERICAN RENAISSANCE CHARTER SCHOOL

With unanimous consent, upon motion of Senator Rucho, the privileges of the floor are extended to students from American Renaissance Charter School in Statesville. Senator Cunningham, Senator Dalton, Senator Forrester, Senator Garrou, Senator Hartsell, Senator Lucas and Senator Rucho are appointed to escort the students to the Well of the Senate, where they sing while using sign language.

The President recognizes the Committee to escort the guests from the Chamber. The guests depart to a standing ovation.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 85 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 25 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES.

With unanimous consent, upon motion of Senator Ballance, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, May 3.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE PENALTIES FOR FAILURE TO MEET CERTAIN TAX-RELATED DEADLINES BECAUSE OF A PRESIDENTIALLY DECLARED DISASTER, with a favorable report.

H.B. 575, A BILL TO BE ENTITLED AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF, with a favorable report.

H.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW HAYWOOD COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICTS, with a favorable report.

S.B. 275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN, with a favorable report.

WITHDRAWAL FROM COMMITTEE

S.J.R. 689, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF RAEFORD ON THE CITY'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Joint Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, May 9, which motion prevails with unanimous consent.

The Chair orders the Joint Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, May 9.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read as follows:

House of Representatives
May 1, 2001

Madame President:

Pursuant to your message requesting the return of **S.B. 766** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE DELIVERY OF MEDICAL SERVICES TO PERSONS WITH DISABILITIES, the House respectfully herewith complies.

Respectfully,
S/Denise Weeks
Principal Clerk

RECONSIDERATION

S.B. 766 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES

RELATED TO THE DELIVERY OF MEDICAL SERVICES TO PERSONS WITH DISABILITIES, received from the House of Representatives earlier today pursuant to a request from the Senate.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill passed its third reading on April 25 be reconsidered, which motion prevails (47-0).

Upon motion of Senator Rand, the Committee Substitute bill is referred to the **Rules and Operations of the Senate Committee**.

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read a message from the Governor, as follows:

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh 27699-0301

May 1, 2001

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute 62-15, I hereby reappoint Robert P. Gruber to serve as Executive Director of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin July 1, 2001 and will expire June 30, 2007.

With kindest regards, I remain

Very truly yours,
S/Mike Easley

Referred to **Commerce Committee**.

Upon motion of Senator Basnight, seconded by Senator Carter, the Senate adjourns at 3:53 p.m. to meet tomorrow, Thursday, May 3, at 11:00 A.M.

FIFTY-EIGHTH DAY

Senate Chamber
Thursday, May 3, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, around our state and the nation, today is designated as a day of prayer. All of us pray whether we think of it as praying or not. The odd silence we fall into when we see something beautiful happening or experience something very good or very bad, expressions of pain, joy, these are prayers in their way.

"We must be persistent, though, in our praying, not because we must beat a path to your door before you will open it, but because until we pray there's no way to get to your door.

"Help us to continue beating that path to your door with our prayers because we can be assured that the God we call upon will open the door, and even if you do not bring the answer we want, you will bring yourself. And maybe that's the secret of all of our hearts and all our prayers, that we will find you. Thank you for hearing our prayers, Amen."

*Paraphrased from Frederich Buechner's "Prayer"

The Chair grants a leave of absence for today to Senator Jordan.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Samuel Calderon Sayson from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Julie Taylor from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 168, A BILL TO BE ENTITLED AN ACT TO PERMIT A CORPORATION TO TRANSFER ASSETS TO A WHOLLY OWNED UNINCORPORATED ENTITY, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Clodfelter, the bill is re-referred to the **Finance Committee**.

H.B. 182, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE, with a favorable report.

By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6272 is adopted and engrossed.

H.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 5674 is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 196, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE RESTORATION OF THE FAIR BARN IN THE VILLAGE OF PINEHURST FROM THE PUBLIC BIDDING LAWS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3844, which changes the title to read **H.B. 196** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE VILLAGE OF PINEHURST IN THE RESTORATION OF THE FAIR BARN AND COLLEGE OF THE ALBEMARLE IN THE CONSTRUCTION OF A MULTIPURPOSE FACILITY IN THE CITY OF ELIZABETH CITY, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 575, A BILL TO BE ENTITLED AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 7.

H.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW HAYWOOD COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICTS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine,

Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 7.

H.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND RENOVATION OF PUBLIC SCHOOL FACILITIES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE AND THE TOWN OF CHAPEL HILL TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 664, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF ROCKINGHAM.

The bill passes its second and third readings and is ordered enrolled.

H.B. 682, A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 683, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MEMBERS OF THE PLYMOUTH TOWN COUNCIL ELECTED FROM A WARD ARE VOTED ON ONLY WITHIN THAT WARD.

The bill passes its second and third readings and is ordered enrolled.

H.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REGULATION OF OCEAN ACTIVITIES BY DARE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 727, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY DEPARTMENT OF SOCIAL SERVICES.

The bill passes its second and third readings and is ordered enrolled.

S.B. 275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND

THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL".

Senator Lee offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE THE PENALTIES FOR FAILURE TO MEET CERTAIN TAX-RELATED DEADLINES BECAUSE OF A PRESIDENTIALLY DECLARED DISASTER.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 329, A BILL TO BE ENTITLED AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS.

The bill passes its second reading (48-1).

Senator Ballance objects to third reading of the measure.

With unanimous consent, upon motion of Senator Ballance, the bill is ordered placed on the Calendar for Tuesday, May 8.

H.B. 410 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGE BOARDS TO DISPOSE OF CERTAIN REAL AND PERSONAL PROPERTY WITHOUT THE APPROVAL OF THE STATE BOARD OF COMMUNITY COLLEGES.

The Committee Substitute bill passes its second reading (49-0) and third reading (49-0) and is ordered enrolled and sent to the Governor.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST INFORMATION ABOUT STAFFING LEVELS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 979 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

S.B. 25 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill on its second reading by roll call vote, ayes 48, noes 1, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of

Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—48.

Voting in the negative: Senator Wellons—1.

The bill remains on the Calendar for Monday, May 7.

WITHDRAWALS FROM COMMITTEES

S.B. 80, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

H.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS, WITH STATE BOARD APPROVAL, TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR", referred to the **Judiciary II Committee** on April 25.

Pursuant to Rule 47(a), Senator Hagan offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

H.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR PRESIDENTIAL ELECTORS WHO REFUSE OR FAIL TO VOTE FOR THE CANDIDATES OF THE PARTY WHICH NOMINATED THAT ELECTOR, referred to the **Judiciary II Committee** on April 5.

Pursuant to Rule 47(a), Senator Hagan offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

Upon motion of Senator Ballance, seconded by Senator Webster, the Senate adjourns at 12:04 P.M. to meet Monday, May 7, at 7:00 P.M.

May 3, 2001

FIFTY-NINTH DAY

Senate Chamber
Monday, May 7, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, as the Senate begins a new week with challenging schedules and important decisions to make, we remember that it is sometimes easier to speak of giving our lives over to your leadership than to trust you with the particulars of our lives, the concrete stuff of our days!

"So help the Senators to trust you so that the gifts you've given to them will be used to become a source of hope and light for the people of our state and each other. Dear Lord we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Albertson, Senator Hoyle, Senator Jordan, Senator Moore and Senator Shaw of Guilford.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, May 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Richard Vernon Liles, Jr. from Albemarle, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 150, AN ACT TO WAIVE THE PENALTIES FOR FAILURE TO MEET CERTAIN TAX-RELATED DEADLINES BECAUSE OF A PRESIDENTIALLY DECLARED DISASTER.

H.B. 410, AN ACT TO PERMIT COMMUNITY COLLEGE BOARDS TO DISPOSE OF CERTAIN REAL AND PERSONAL PROPERTY WITHOUT THE APPROVAL OF THE STATE BOARD OF COMMUNITY COLLEGES.

H.B. 736, AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST INFORMATION ABOUT STAFFING LEVELS.

H.B. 979, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 381, AN ACT TO SET OUT THE BOUNDARIES OF THE TOWN OF BOSTIC

AND TO VALIDATE ACTIONS OF THE TOWN.

S.B. 557, AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM.

S.B. 655, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COATS AND TO VALIDATE ACTIONS OF THE TOWN TAKEN WITH RESPECT TO THAT PROPERTY.

S.B. 677, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WELDON.

H.B. 516, AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND RENOVATION OF PUBLIC SCHOOL FACILITIES.

H.B. 651, AN ACT TO AUTHORIZE THE CITY OF GREENVILLE AND THE TOWN OF CHAPEL HILL TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY.

H.B. 664, AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF ROCKINGHAM.

H.B. 682, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY.

H.B. 683, AN ACT TO CLARIFY THAT MEMBERS OF THE PLYMOUTH TOWN COUNCIL ELECTED FROM A WARD ARE VOTED ON ONLY WITHIN THAT WARD.

H.B. 726, AN ACT RELATING TO REGULATION OF OCEAN ACTIVITIES BY DARE COUNTY.

H.B. 727, AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY DEPARTMENT OF SOCIAL SERVICES.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE THE NAME ON THE NOTARY SEAL DOES NOT COMPORT EXACTLY WITH THE NAME ON THE NOTARY COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3845, which changes the title to read **H.B. 700** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY.
Referred to **Finance Committee**.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS.
Referred to **Finance Committee**.

RESOLUTION FROM A COMMONWEALTH

The following resolution received from a Commonwealth is presented to the Senate and ordered filed in the Office of the Principal Clerk (*See Appendix*.):

Northern Marianas Commonwealth Senate Resolution No. 12-33, A Senate Resolution Requesting the Congress of the United States to adopt an amendment to the Constitution of the United States, to add a new article on the Subject of Judicial Taxation.

RECOGNITION OF JOHN C. BAITY, IN-COMING PRESIDENT OF THE AMERICAN CANCER SOCIETY

With unanimous consent, upon motion of Senator Basnight, the privileges of the floor are extended to John C. Baity of New York, incoming president of the American Cancer Society. Senator Odom, Chair; and Senator Forrester, Senator Horton, Senator Jordan, Senator Lucas, Senator Martin of Guilford, Senator Soles and Senator Weinstein are appointed to escort Mr. Baity to the Well of the Senate. Mr. Baity is recognized and addresses the Senate concerning the American Cancer Society.

The President recognizes the Committee to escort the guests from the Chamber. The guests depart to a standing ovation.

The President extends the courtesies of the gallery to Leon Jones, Chief of the Eastern Band of the Cherokee Indians.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 575, A BILL TO BE ENTITLED AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF, upon third reading.
The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:
Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren,

Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW HAYWOOD COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICTS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 196 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE VILLAGE OF PINEHURST IN THE RESTORATION OF THE FAIR BARN AND COLLEGE OF THE ALBEMARLE IN THE CONSTRUCTION OF A MULTIPURPOSE FACILITY IN THE CITY OF ELIZABETH CITY.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 182, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 386 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 938 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

The President extends the courtesies of the floor to The Honorable Robert Morgan, former North Carolina State Senator and United States Senator.

H.B. 1117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO

WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 25 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 652, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL ANNIVERSARY.

With unanimous consent, upon motion of Senator Swindell, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (44-0) and third readings and is ordered enrolled.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Richard M. Capps, Youngsville; Geneva Elizabeth Colquitt, Bahama; Leah Marie Deceuster, Southern Pines; Anastasia Inez Heberlein, Candler; Joshua Jones, Kenly; Bradley Chase Mackey, Kinston; James Christopher Myers, Sanford; Jeremy M. Newton, Asheboro; Brittany Morgan Parker, Newton Grove; Keara R. Perry, Spring Hope; Erica Jeanna Purkett, Elizabeth City; Rebecca Ricks, Cary; Meredith Ritch, Laurinburg; Cynthia L. Sites, Apex; Katherine Sites, Apex; Steven Solana, Louisburg; and Katherine McKenzie Thigpen, Laurinburg.

WITHDRAWAL FROM COMMITTEE

S.B. 607, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns at 7:55 P.M. to meet tomorrow, Tuesday, May 8, at 3:00 P.M.

SIXTIETH DAY

Senate Chamber
Tuesday, May 8, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Lane A. Sapp, Senior Minister of Calvary Moravian Church, Winston-Salem, North Carolina, as follows:

"Lord our God, the men and women assembled in this chamber today have a great responsibility. Elected as representatives of this land we love and call home, they serve North Carolinians of diverse cultures, races and thought. Though servants of the people, they also have their own opinions and must vote their conscience in a spirit of integrity and honesty. When discerning the truth of conscience is difficult in the whirlwind of opinion and politics, grant to these servants a clear vision of your will and purpose. In their deliberations today, keep before them their mind's eye, the faces and needs of the men and women who sent them here to serve. May they apply unto the decisions of this session the golden principle of the gospel, doing no less for their constituents than they would do for themselves. In the words of the hymn writer, grant them wisdom, grant them courage, that they fail not man nor Thee. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Jordan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Samuel Wurster from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Dana Lee from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

H.B. 700 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, May 9.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 25, AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-

PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES.

H.B. 182, AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1117, AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 675, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS.

H.B. 575, AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF.

H.B. 879, AN ACT TO ALLOW HAYWOOD COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICTS.

H.J.R. 652, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF MACCLESFIELD ON THE TOWN'S CENTENNIAL ANNIVERSARY. (Res. 10)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 381, AN ACT TO SET OUT THE BOUNDARIES OF THE TOWN OF BOSTIC AND TO VALIDATE ACTIONS OF THE TOWN. (Became law upon ratification, May 7, 2001– S.L. 2001– 43.)

H.B. 516, AN ACT TO ASSIST WAKE COUNTY WITH THE CONSTRUCTION AND RENOVATION OF PUBLIC SCHOOL FACILITIES. (Became law upon ratification, May 7, 2001– S.L. 2001– 44.)

S.B. 557, AN ACT TO INCORPORATE THE TOWN OF MILLERS CREEK, SUBJECT TO A REFERENDUM. (Became law upon ratification, May 7, 2001– S.L. 2001– 45.)

H.B. 651, AN ACT TO AUTHORIZE THE CITY OF GREENVILLE AND THE TOWN OF CHAPEL HILL TO REQUIRE PRETOWING NOTICES BEFORE A MOTOR VEHICLE MAY BE TOWED FROM A PRIVATE LOT, GARAGE, OR OTHER PARKING FACILITY. (Became law upon ratification, May 7, 2001– S.L. 2001– 46.)

S.B. 655, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF COATS AND TO VALIDATE ACTIONS OF THE TOWN TAKEN WITH RESPECT TO THAT PROPERTY. (Became law upon ratification, May 7, 2001– S.L. 2001– 47.)

H.B. 664, AN ACT RELATING TO ZONING PROTEST PROCEDURES IN THE CITY OF ROCKINGHAM. (Became law upon ratification, May 7, 2001– S.L. 2001– 48.)

S.B. 677, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WELDON. (Became law upon ratification, May 7, 2001– S.L. 2001– 49.)

H.B. 682, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THE COUNTY (Became law upon ratification, May 7, 2001– S.L. 2001– 50.)

H.B. 683, AN ACT TO CLARIFY THAT MEMBERS OF THE PLYMOUTH TOWN COUNCIL ELECTED FROM A WARD ARE VOTED ON ONLY WITHIN THAT WARD. (Became law upon ratification, May 7, 2001– S.L. 2001– 51.)

H.B. 726, AN ACT RELATING TO REGULATION OF OCEAN ACTIVITIES BY DARE COUNTY. (Became law upon ratification, May 7, 2001– S.L. 2001– 52.)

H.B. 727, AN ACT RELATING TO THE USE OF FUNDS BY THE DARE COUNTY DEPARTMENT OF SOCIAL SERVICES. (Became law upon ratification, May 7, 2001– S.L. 2001– 53.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES, with a favorable report.

H.B. 875 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL, with a favorable report.

Upon motion of Senator Plyler and Senator Purcell, the President extends the courtesies of the gallery to John Register, a silver medalist in the long jump at the 2000 Paralympics in Sydney, Australia.

May 8, 2001

By Senator Hagan for the **Judiciary II Committee**:

H.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROGRAM ESTABLISHED BY A DISTRICT ATTORNEY FOR COLLECTION IN WORTHLESS CHECK CASES IN CERTAIN COUNTIES MAY INCLUDE WORTHLESS CHECK OFFENSES PUNISHABLE AS CLASS I FELONIES AND CLASS 1 MISDEMEANORS AS WELL AS THOSE PUNISHABLE AS CLASS 2 MISDEMEANORS AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, with a favorable report.

H.B. 274 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN STATUTORY TERMS AND REFERENCES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, with a favorable report.

H.B. 902 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN APPOINTEE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES TO THE STATE JUDICIAL COUNCIL, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS, for concurrence in House Amendment No. 1

Referred to **Finance Committee**.

H.B. 834 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

Referred to **Finance Committee**.

H.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF BREVARD AND PROVIDING THAT THE AREAS SHALL NOT BE CONSIDERED IN CALCULATING THE MAXIMUM AMOUNT OF SATELLITE ANNEXATIONS ALLOWED FOR THAT CITY.

Referred to **Finance Committee**.

CALENDAR (*continued*)

H.B. 329, A BILL TO BE ENTITLED AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS.

The bill passes its third reading (48-0) and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 702, A BILL TO BE ENTITLED AN ACT AMENDING THE PUBLIC LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 3:26 P.M. to meet tomorrow, Wednesday, at 3:00 P.M.

SIXTY-FIRST DAY

Senate Chamber
Wednesday, May 9, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Howard Lee, Senator from Orange County, as follows:

"Let us pray. Gracious God, you have given us another challenging and wonderful day. We are grateful for the opportunity which has been presented to us. We are grateful and humbled by the opportunity to serve, but we ask that you give us your full support, because without your wisdom we are unable to carry out the work. We are expected to respond to the needs of our citizens and to ensure that the quality of life is maintained and preserved for all. We are your servants and ask that you use us as instruments of your work. These things we ask in your name. Amen."

The Chair grants leaves of absence for today to Senator Jordan and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Cynthia Jane Hecker Brown from Asheville, North Carolina, who is serving the Senate as Doctor of the Day, and to Leonora Andersen from Newton, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

May 9, 2001

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1084, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8647 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 1083 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A WEAPON, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3846 is adopted and engrossed.

By Senator Carter for the **Education/Higher Education Committee**:

H.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURE FOR SUBMITTING LOCAL BUDGETS TO THE STATE BOARD OF COMMUNITY COLLEGES FOR APPROVAL, with a favorable report.

H.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING, with a favorable report.

H.B. 1304, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS, with a favorable report.

H.B. 1285 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3847 is adopted and engrossed.

H.B. 608 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3458 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BEAR HUNTING SEASON IN MARTIN COUNTY APPLIES TO THE ENTIRE COUNTY, with a favorable report.

H.B. 172 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CEDAR POINT AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION, with a favorable report.

H.B. 794, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM ACROSS THE RIGHT-OF-WAY OF A PUBLIC ROAD IN CALDWELL COUNTY FOR THE PURPOSE OF TARGET PRACTICE, with a favorable report.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM, with a favorable report.

H.B. 856, A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY TO ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING, with a favorable report.

H.B. 1108 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PUBLIC AUTHORITIES ARE ELIGIBLE FOR GRANTS FROM THE PARKS AND RECREATION TRUST FUND, with a favorable report.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 221, AN ACT TO EXEMPT EMPLOYEES OF A PUBLIC HEALTH AUTHORITY FROM CHAPTER 126 OF THE GENERAL STATUTES AND TO MAKE CONFORMING CHANGES TO CHAPTER 126.

S.B. 888, AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES, TO PROVIDE FOR A BEAR/WILD BOAR HUNTING LICENSE, AND TO MAKE OTHER CHANGES AFFECTING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION.

H.B. 85, AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC.

H.B. 329, AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of

Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES THAT ACQUIRE LAND FOR WETLANDS MITIGATION TO REIMBURSE THE COUNTY IN WHICH THE LAND IS LOCATED FOR ITS LOST TAXES DUE TO THE ACQUISITION.

Referred to **Finance Committee**.

H.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE CORPORATE LIMITS .

Referred to **Finance Committee**.

S.B. 262 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IMPROPERLY CHARGED WITH A CRIMINAL OFFENSE AS A RESULT OF IDENTITY FRAUD MAY HAVE HIS OR HER RECORD EXPUNGED, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 10.

S.B. 541 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY FOSTER HOMES OR THERAPEUTIC HOMES FROM SANITATION REQUIREMENTS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 10.

S.B. 882 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 10.

APPOINTMENT BY THE GOVERNOR

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

May 8, 2001

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

May 9, 2001

Dear Ms. Pruitt:

Pursuant to North Carolina General Statutes § 115C-10, I hereby appoint Ms. Patricia Willoughby, Mr. Wayne McDevitt and Dr. Michelle Howard-Vital to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms will begin immediately pending confirmation and expire on March 31, 2009.

Patricia Willoughby will fill the seat currently held by Eddie Davis, Wayne McDevitt will fill the seat currently held by Robert Douglas, and Michelle Howard-Vital will fill the seat currently held by Margaret Harvey.

Enclosed is biographical information on these appointees. Please feel free to call on them or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,
S/Michael F. Easley

Referred to **Education/Higher Education Committee**.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROGRAM ESTABLISHED BY A DISTRICT ATTORNEY FOR COLLECTION IN WORTHLESS CHECK CASES IN CERTAIN COUNTIES MAY INCLUDE WORTHLESS CHECK OFFENSES PUNISHABLE AS CLASS I FELONIES AND CLASS 1 MISDEMEANORS AS WELL AS THOSE PUNISHABLE AS CLASS 2 MISDEMEANORS AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

S.J.R. 689, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF RAEFORD ON THE CITY'S ONE HUNDREDTH ANNIVERSARY.

The joint resolution passes its second (48-0) and third readings and is ordered, without objection, sent to the House of Representatives by special message.

The President Pro Tempore extends the courtesies of the gallery to guests from Raeford: Mayor Bob Gentry and his wife, Eleanor; City Manager Mike McNeill and his wife, Pat; Councilman Wayne Mills; Angel Li, Chamber of Commerce President; Lawana Hayes, Chamber of Commerce Director; Centennial Members: Grace McDonald, Chairman, and her husband, William; Betty Smith; Mary Wallace Bolin; J.D. McAllister; Iris Pickett; and Gordon Ragsdale; Jody Canas; and Pat Wilson, editor of the Raeford News Journal.

H.B. 261, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE VETERANS HOME ACT.

Senator Rand offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second reading (45-2) and third reading (44-2) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF SALISBURY, with a favorable report.

H.B. 555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK TAKE" PROCEDURE, with a favorable report.

H.B. 671, A BILL TO BE ENTITLED AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS, with a favorable report.

H.B. 697, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BRUNSWICK FIRE FEE LEGISLATION, with a favorable report.

H.B. 712, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF MOREHEAD CITY, with a favorable report.

H.B. 804 (Committee Substitute # 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, CRAVEN, MCDOWELL, MONTGOMERY, AND PAMLICO COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION, with a favorable report.

H.B. 807, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WINTERVILLE, with a favorable report.

H.B. 880, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC

TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, with a favorable report.

S.B. 860 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES AND TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed, and changes the title to read **S.B. 860** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES, TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, AND TO MODIFY THE RESIDENCY REQUIREMENTS FOR A BANK'S BOARD OF DIRECTORS.

CALENDAR (*continued*)

H.B. 700 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, May 10.

H.B. 274 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN STATUTORY TERMS AND REFERENCES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES.

The Committee Substitute bill passes its second reading (48-0).

Senator Robinson objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Thursday, May 10.

H.B. 875 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL.

The Committee Substitute bill passes its second reading (47-1).

Senator Wellons objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Thursday, May 10.

H.B. 902 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN APPOINTEE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES TO THE STATE JUDICIAL COUNCIL.

The Committee Substitute bill passes its second (47-1) and third readings and is

ordered enrolled and sent to the Governor.

Upon motion of Senator Ballance, seconded by Senator Foxx, the Senate adjourns at 4:15 P.M. to meet tomorrow, Thursday, May 10, at 11:00 A.M.

SIXTY-SECOND DAY

Senate Chamber
Thursday, May 10, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Dr. Denny Sebesan, Senior Minister of First Presbyterian Church, Lexington, North Carolina, as follows:

"Eternal God on whose moral law the government of our people rests, we turn to you in our need for balance and steadiness, for you, O God, are the unchanging one through all the changing scenes of life. We thank you for the livelihood we enjoy as citizens of this land and we lift before you now the Senate of the great State of North Carolina. We pray on their behalf for a wide measure of your wisdom and direction. Keep them true to your commandments. Let their actions always be honorable, and may their record of civic stewardship remain blameless in your sight, O Great God Most High. Amen."

The Chair grants leaves of absence for today to Senator Albertson and Senator Jordan.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. James Scarboro Bowman III from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda Brown from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 958, A BILL TO BE ENTITLED AN ACT TO REQUIRE COST REPORTS SPECIFIC TO ADULT CARE HOME SPECIAL CARE UNITS AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A DESIGNATED REIMBURSEMENT SYSTEM FOR RESIDENTS IN SPECIAL CARE UNITS, with a favorable report.

H.B. 857, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN AREA

MENTAL AUTHORITY THAT HAS ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA BANK, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 5675, which changes the title to read **H.B. 857** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN AREA MENTAL HEALTH AUTHORITY THAT HAS ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA BANK, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 30, AN ACT TO MAKE IT UNLAWFUL TO TAKE SEA OATS.

S.B. 463, AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING.

S.B. 538, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ALLOW MORE FLEXIBILITY IN CREATING TWO-COUNTY INDUSTRIAL PARKS.

H.B. 15, AN ACT TO AMEND THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL".

H.B. 274, AN ACT TO AMEND CERTAIN STATUTORY TERMS AND REFERENCES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

H.B. 902, AN ACT TO ADD AN APPOINTEE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES TO THE STATE JUDICIAL COUNCIL.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 229, AN ACT REVISING THE BOUNDARY LINE BETWEEN THE TOWNS OF CAROLINA BEACH AND KURE BEACH BY REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CAROLINA BEACH AND ADDING THE PROPERTY TO THE LIMITS OF THE TOWN OF KURE BEACH.

S.B. 645, AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER.

S.B. 650, AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY.

S.B. 667, AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY.

H.B. 7, AN ACT TO PROVIDE THAT A PROGRAM ESTABLISHED BY A DISTRICT ATTORNEY FOR COLLECTION IN WORTHLESS CHECK CASES IN CERTAIN COUNTIES MAY INCLUDE WORTHLESS CHECK OFFENSES PUNISHABLE AS CLASS I FELONIES AND CLASS 1 MISDEMEANORS AS WELL AS THOSE PUNISHABLE AS CLASS 2 MISDEMEANORS AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.

S.J.R. 689, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF RAEFORD ON THE CITY'S ONE HUNDREDTH ANNIVERSARY. (Res. 11)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 675, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS. (Became law upon ratification, May 8, 2001– S.L. 2001– 54.)

H.B. 575, AN ACT REVISING AND CLARIFYING THE BOUNDARIES OF THE TOWN OF FAIR BLUFF. (Became law upon ratification, May 8, 2001– S.L. 2001– 55.)

H.B. 879, AN ACT TO ALLOW HAYWOOD COUNTY TO ADJUST THE BOUNDARIES OF CHAPTER 69 FIRE TAX DISTRICTS. (Became law upon ratification, May 8, 2001– S.L. 2001– 56.)

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 342, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY, PHOTOGRAPHIC REPRODUCTION, AND RETENTION OF RECORDS OF THE EMPLOYMENT SECURITY COMMISSION, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 882 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT, for concurrence in the House Committee substitute.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is taken up out of its regular order of business and is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF SALISBURY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK TAKE" PROCEDURE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 671, A BILL TO BE ENTITLED AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 697, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BRUNSWICK FIRE FEE LEGISLATION, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 712, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF MOREHEAD CITY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 804 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, CRAVEN, MCDOWELL, MONTGOMERY, AND PAMLICO COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 807, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WINTERVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 880, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The bill remains on the Calendar for Monday, May 14, upon third reading.

H.B. 875 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL.

With unanimous consent, upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 15.

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BEAR HUNTING SEASON IN MARTIN COUNTY APPLIES TO THE ENTIRE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 172 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CEDAR POINT AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 794, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM ACROSS THE RIGHT-OF-WAY OF A PUBLIC ROAD IN CALDWELL COUNTY FOR THE PURPOSE OF TARGET PRACTICE.

The bill passes its second and third readings and is ordered enrolled.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 856, A BILL TO BE ENTITLED AN ACT TO ALLOW CARTERET COUNTY

TO ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING.

The bill passes its second and third readings and is ordered enrolled.

S.B. 860 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES, TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, AND TO MODIFY THE RESIDENCY REQUIREMENTS FOR A BANK'S BOARD OF DIRECTORS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 421 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURE FOR SUBMITTING LOCAL BUDGETS TO THE STATE BOARD OF COMMUNITY COLLEGES FOR APPROVAL.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING.

Senator Horton offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1304, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER AND THE NORTH CAROLINA HOUSING FINANCE AGENCY TO DEVELOP PILOT PROGRAMS TO PROVIDE NEW TEACHERS WITH MORTGAGE ASSISTANCE TO ENCOURAGE THEM TO STAY IN THE CLASSROOM FOR A PERIOD OF AT LEAST THREE YEARS.

With unanimous consent, upon motion of Senator Odom, the bill is withdrawn from today's calendar and is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 608 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 700 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

Senator Harris offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute.

H.B. 1083 (Senate Committee Substitute), AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR

OFFENSE INVOLVING A WEAPON.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 1084 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 14.

H.B. 1108 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PUBLIC AUTHORITIES ARE ELIGIBLE FOR GRANTS FROM THE PARKS AND RECREATION TRUST FUND.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1083 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A WEAPON, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 14.

H.B. 1285 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES.

The Committee Substitute bill passes its third reading (48-0) and is ordered enrolled and sent to the Governor.

S.B. 262 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IMPROPERLY CHARGED WITH A CRIMINAL OFFENSE AS A RESULT OF IDENTITY FRAUD MAY HAVE HIS OR HER RECORD EXPUNGED, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 541 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY FOSTER HOMES OR

THERAPEUTIC HOMES FROM SANITATION REQUIREMENTS.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 11:57 A.M. to meet Monday, May 14, at 7:00 P.M.

SIXTY-THIRD DAY

Senate Chamber
Monday, May 14, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Sometimes, even on Monday, O God, we find that we're at our wit's end! Schedules already overbooked, decisions to make that are far too complex for easy answers and of course, people to whom we must be responsible.

"Remind us, O God, that above the noise of our busy world there is a song of peace. Above the many and disparate cries for help from us there is a song of hope. Above the criticism that we must take for making a stand there is a song of love. Instead of joining in the discordant choruses of the world, this week help us to be singers of your song! Amen."

The Chair grants leaves of absence for tonight to Senator Jordan and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, May 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Karen Nicholson Paine from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Celeste Toombs from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Robinson for the **State and Local Government Committee**:

H.B. 866, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 2686 is adopted and engrossed.

H.B. 402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, AND TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6283, which changes the title to read **H.B. 402** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL A BERTIE COUNTY LOCAL ACT REGULATING POSSESSION OF A FIREARM ON A BOAT, is adopted and engrossed.

H.B. 504 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874 MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1200, which changes the title to read **H.B. 504** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874 MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS AND EXTENDING THE EXPIRATION DATE FOR THE COMPLETION OF CERTAIN REAL ESTATE TRANSACTIONS BY MECKLENBURG COUNTY, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 262, AN ACT TO PROVIDE THAT A PERSON IMPROPERLY CHARGED WITH A CRIMINAL OFFENSE AS A RESULT OF IDENTITY FRAUD MAY HAVE HIS OR HER RECORD EXPUNGED.

S.B. 541, AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY FOSTER HOMES OR THERAPEUTIC HOMES FROM SANITATION REQUIREMENTS.

S.B. 882, AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT.

H.B. 386, AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS.

H.B. 421, AN ACT TO MODIFY THE PROCEDURE FOR SUBMITTING LOCAL BUDGETS TO THE STATE BOARD OF COMMUNITY COLLEGES FOR APPROVAL.

H.B. 609, AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES.

H.B. 1108, AN ACT TO PROVIDE THAT PUBLIC AUTHORITIES ARE ELIGIBLE FOR GRANTS FROM THE PARKS AND RECREATION TRUST FUND.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 678, AN ACT TO ESTABLISH RESIDENCE DISTRICTS FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY BOARD OF COMMISSIONERS.

H.B. 159, AN ACT TO PROVIDE THAT THE BEAR HUNTING SEASON IN MARTIN COUNTY APPLIES TO THE ENTIRE COUNTY.

H.B. 172, AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CEDAR POINT AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION.

H.B. 196, AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE VILLAGE OF PINEHURST IN THE RESTORATION OF THE FAIR BARN AND COLLEGE OF THE ALBEMARLE IN THE CONSTRUCTION OF A MULTIPURPOSE FACILITY IN THE CITY OF ELIZABETH CITY.

H.B. 794, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM ACROSS THE RIGHT-OF-WAY OF A PUBLIC ROAD IN CALDWELL COUNTY FOR THE PURPOSE OF TARGET PRACTICE.

H.B. 819, AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM.

H.B. 856, AN ACT TO ALLOW CARTERET COUNTY TO ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 229, AN ACT REVISING THE BOUNDARY LINE BETWEEN THE TOWNS OF CAROLINA BEACH AND KURE BEACH BY REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CAROLINA BEACH AND ADDING THE PROPERTY TO THE LIMITS OF THE TOWN OF KURE BEACH. (Became law upon ratification, May 10, 2001–S.L. 2001-57.)

S.B. 645, AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN DESCRIBED PROPERTY BY PRIVATE SALE TO THE MOUNTAIN VIEW MEDICAL CENTER. (Became law upon ratification, May 10, 2001–S.L. 2001-58.)

S.B. 650, AN ACT DIRECTING FORSYTH TECHNICAL COMMUNITY

COLLEGE TO STUDY THE FEASIBILITY OF ESTABLISHING A SATELLITE CAMPUS IN STOKES COUNTY. (Became law upon ratification, May 10, 2001–S.L. 2001-59.)

S.B. 667, AN ACT TO PROVIDE THAT MUNICIPAL LAW ENFORCEMENT OFFICERS HAVE CONDITIONAL AUTHORITY TO SERVE CRIMINAL PROCESS IN THE COUNTY GOVERNMENT COMPLEX ONLY IN CARTERET COUNTY. (Became law upon ratification, May 10, 2001–S.L. 2001-60.)

H.B. 7, AN ACT TO PROVIDE THAT A PROGRAM ESTABLISHED BY A DISTRICT ATTORNEY FOR COLLECTION IN WORTHLESS CHECK CASES IN CERTAIN COUNTIES MAY INCLUDE WORTHLESS CHECK OFFENSES PUNISHABLE AS CLASS I FELONIES AND CLASS 1 MISDEMEANORS AS WELL AS THOSE PUNISHABLE AS CLASS 2 MISDEMEANORS AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL CHANGES. (Became law upon ratification, May 10, 2001–S.L. 2001-61.)

H.B. 142, AN ACT TO AMEND THE MARRIAGE STATUTES TO BROADEN THE LIST OF PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGES; TO VALIDATE A MARRIAGE LICENSED AND SOLEMNIZED BY A FEDERALLY RECOGNIZED INDIAN TRIBE OR NATION; TO REQUIRE JUDICIAL AUTHORIZATION BEFORE A FOURTEEN- OR FIFTEEN- YEAR- OLD APPLICANT MAY BE MARRIED; TO PROHIBIT MARRIAGE BY ANYONE UNDER FOURTEEN YEARS OF AGE; TO LIMIT THE REGISTER OF DEEDS' RESPONSIBILITY IN ISSUING MARRIAGE LICENSES TO VERIFYING OBJECTIVE REQUIREMENTS; TO PROVIDE A PROCEDURE BY WHICH A PERSON MAY APPLY FOR A MARRIAGE LICENSE WITHOUT APPEARING IN PERSON; TO EXPAND THE GEOGRAPHICAL SCOPE OF A MARRIAGE LICENSE; TO MAKE INCLUSION OF RACE ON THE LICENSE OPTIONAL; AND TO ALLOW FOR CORRECTIONS OF ERRORS IN THE APPLICATION OR LICENSE, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. (Became law upon approval of the Governor, May 10, 2001–S.L. 2001-62.)

WITHDRAWAL FROM COMMITTEE

S.J.R. 770, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERMAN HARLEY "BULL" WEST, ONE OF WESTERN NORTH CAROLINA'S MOST DISTINGUISHED CITIZENS, referred to the **Rules and Operations of the Senate Committee** on April 2.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on tonight's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and places it on tonight's Calendar.

CALENDAR

Bills and resolutions on tonight’s Calendar are taken up and disposed of, as follows:

S.J.R. 770, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERMAN HARLEY "BULL" WEST, ONE OF WESTERN NORTH CAROLINA'S MOST DISTINGUISHED CITIZENS, placed earlier on tonight's Calendar.

With unanimous consent, upon motion of Senator Carpenter, the joint resolution is read in its entirety, and the remarks of the Senators memorializing the life and memory of Herman Harley "Bull" West, former member of the General Assembly, are spread upon the Journal, as follows:

Senator Carpenter:

"Thank you, Madame President, Ladies and Gentlemen of the Senate. It is an honor for me to stand here tonight and reflect on the life of Herman H. West. Herman, or 'The Bull' as he was known, was a former member of this body in '69 and '70, and he was a person who liked to call himself once a man of poverty. He was a politician unashamed, engrossed and almost submerged in the idea of work, work, work. As a man admired and highly respected by the banks, by fellow citizens, he was considered the economic tycoon of far western North Carolina. His belief in God and his repeated references to the divine guidance of God were most evident. He reflected many times about how he had repeatedly put everything on the line and God's divine guidance saw him through to successful completions. As a self-confessed man of destiny, he consequently could foresee profit. He utilized the methods of trial and error. He became the bossman. He became the ramrod, and he was envied by many and loved by most. He was cherished by his family members who are seated on my left in the gallery tonight. His nickname, 'Bull the West', perhaps epitomized his character better than any words I might utter here tonight. Senator R.C. Soles and Senator Ham Horton both served in the House and the Senate and I'm still confused as to what body they were in when he was here. But they could both tell you perhaps many, many more stories because they knew him then. I got to know Herman much later. About 'The Bull' though, I think a newspaper man from the Asheville-Citizen, a man named Doug Reed, summed it up pretty well in saying 'The Bull hasn't forgotten when his grosgrains were battered and the shoelaces were usually broken.' And he wasn't bashful in using his wits, his guts, and the bullishness ascribed to him to reach down from time to time and literally pull himself up by these ragged-looking shoelaces. Yes, fellow Senators, he was actually four men in one and he left no dim memories in Cherokee County, believe me. As a self-professed backwoods hillbilly, this is his quote, he was uneducated in what we today look on in the true sense of the word, but nonetheless a businessman who made millions and yet absolutely insisted that 'The poorest man that comes in here sees me first.' That was his philosophy. This philosophy and his bipartisan approach was just as amazing as exampled by his close friendship with Governor Jim Hunt. 'Heck fire, he was my friend,' The Bull would say. In reflection I want to draw some parallels to our present day fellow members. As Senator Luther Jordan has shared a number of times, and we're sorry he's ill and unable to be here tonight, we in the Senate are pretty much of a family, and Luther has shared a number of times how as a family here in the Senate we do care for each other in sickness and in adversity. It doesn't take long to listen to Senator Hugh Webster until you realize, hey, this man has done his research. He's gone beyond the surface to figure out the facts. This trait is a Herman H. West trait. He dug out the facts ahead of time. When you listen on the floor to the expressions of Senator Bill Purcell or Senator Jim Forrester, you realize how fortunate we are, Senator Rand, to have not one but both of these two fine doctors in our midst. I could go on and on drawing parallels not just to the Hugh Websters and the Bill Purcells and the Jim Forresters but to the Bull West traits that do live on. That is something that I think we'll all remember. Now, as I close, I'd like my remarks to go back to some old words I used one time in introducing Mr. West. I'll repeat these words as I urge you to vote for this resolution. This brave man, Herman West, was a mover and a shaker. He displayed every day huge amounts of courage, huge amounts of statesmanship, enthusiasm, honesty and integrity. As he taught in a 'down-to-earth' manner his conservative ideas and a most successful free enterprise business, that of simply clearing land for future progress, it is an

honor for me to speak here tonight. Yes, Roger, and other members of the family, we miss him, but I know he is smiling down on us tonight, and probably is most amused by our Year 2001 style of deliberations. Members, thanks in advance for your support, and at the proper time you may want to recognize Margie, the widow, and the others, Madame President.'

Senator Horton:

"As Senator Carpenter has indicated, only Senator Soles and I are ancient enough to have been here at the same time as Bull. I was in the House as was R.C. and he was here in the Senate. Bull West was one of these characters who's really larger than life. It's a sort of Horatio Alger story here in our own State of a man born in a log cabin in Cherokee County who never really had the benefit of a formal education, and rose through his ability, his innate ability, to being one of the premier, largest land-clearing company wholly-owned in the United States of America. And yet you never knew that to see him. He was multi-faceted. He was just as down-to-earth as could be. He was a member of the House and of the Senate. Flew, loved his airplane, loved his business. But, beyond that he was also a collector of historical artifacts from his beloved Western North Carolina. Many of these have now been given to the museum out there. As I say, he was a person who educated himself and went far beyond what most of us would be able to do. I can still hear his booming laugh and see his broad-brimmed hat, and I say he loved flying. He scared me to death one day flying out to Marion. I thought we were never going to get there and he was just bopping up and down in that little plane laughing the whole time and the rest of us were white-knuckled all the way. Yes, he loved flying, and I suspect that Bull West is flying now, in a different and a better world."

Senator Soles:

"Thank you. Madame President, Ladies and Gentlemen of the Senate, like Senator Carpenter, it's a real honor for me to have an opportunity to stand tonight and say a word in support of this resolution and on behalf of Senator West. When I arrived in the House of Representatives as a freshman in 1969, Herman West had already served two terms in the House and stayed out a term or two and was what you might say a freshman in the Senate. He knew the ropes around here and he was always very kind to me when I came by and spoke to him about the bills and things that were going on. He was Senator West to me. I never got nerve enough to call him Bull and I don't understand today exactly how he got the name Bull, but I never did refer to him as Bull. He was Senator West and he was my friend. He was the first among a long line of people that have been sent here by the mountain counties to represent them, and all of them have been people of character and high integrity. North Carolina and Senator Soles are both better for having known Senator West."

The joint resolution passes its second reading (47-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

H.B. 671, A BILL TO BE ENTITLED AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS.

With unanimous consent, upon motion of Senator Odom, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Monday, May 21.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Wellons.

May 14, 2001

H.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF SALISBURY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 555 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK TAKE" PROCEDURE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 697, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BRUNSWICK FIRE FEE LEGISLATION, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 712, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF MOREHEAD CITY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 807, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WINTERVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 880, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster and Weinstein—47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 804 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, CRAVEN, MCDOWELL, MONTGOMERY, AND PAMLICO COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren and Weinstein—46.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2 is ordered enrolled.

H.B. 342, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY, PHOTOGRAPHIC REPRODUCTION, AND RETENTION OF

RECORDS OF THE EMPLOYMENT SECURITY COMMISSION.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 857 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN AREA MENTAL HEALTH AUTHORITY THAT HAS ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA BANK.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 958, A BILL TO BE ENTITLED AN ACT TO REQUIRE COST REPORTS SPECIFIC TO ADULT CARE HOME SPECIAL CARE UNITS AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A DESIGNATED REIMBURSEMENT SYSTEM FOR RESIDENTS IN SPECIAL CARE UNITS.

Senator Purcell offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second (46-1) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1083 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A WEAPON.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1084 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

The Senate Committee Substitute bill passes its second reading (46-1).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, May 15.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Joe Almquist, Goldsboro; David Scott Chadderton, Cary; Laura Elizabeth Dacus, Wake Forest; Megan Dail, Goldsboro; Christopher Brad Elliott, Youngsville; Sarah Finch, Goldsboro; Jessica Elease Floyd, Dallas; Kristin Nicole Hawley, Dunn; Alicia Joy Hawley, Dunn; Phylecia Renee' Jones, Durham; Nora Virginia Macha, Goldsboro; Sean P. Macha, Goldsboro; Megan Moskop, Greenville; Travis M. Ramsey, Yanceyville; Alexandriana Tanisha Spivey, Louisburg; and Kaitlin Weller, Goldsboro.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 8:03 P.M. to meet tomorrow, Tuesday, May 15, at 3:00 P.M.

SIXTY-FOURTH DAY

Senate Chamber
Tuesday, May 15, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, we thank you for all those in whose words and in whose writings your truth has come to us. Each time a Senator stands to speak, we hear and catch a glimpse of historians, prophets, parents, teachers, mentors ... people who have taught these men and women -- explained, expounded, revealed truth and right to them!

"May the mental recollection of being learners from their personal heroes of the faith be an encouragement to the Senators every day. When they stand, they do not stand alone. Amen."

The Chair grants leaves of absence for today to Senator Jordan and Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Samuel Emerson Britt II from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Jennifer Slepin from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 342, AN ACT RELATING TO THE ADMISSIBILITY, PHOTOGRAPHIC REPRODUCTION, AND RETENTION OF RECORDS OF THE EMPLOYMENT SECURITY COMMISSION.

And the following bills and a resolution ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 158, AN ACT TO REPEAL THE MONROE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

S.B. 544, AN ACT TO CORRECT AN INCONSISTENCY IN THE HENDERSON FIREMEN'S SUPPLEMENTAL RETIREMENT ACT.

H.B. 321, AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF SALISBURY.

H.B. 555, AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE

QUICK TAKE" PROCEDURE.

H.B. 697, AN ACT TO MAKE MODIFICATIONS TO THE BRUNSWICK FIRE FEE LEGISLATION.

H.B. 712, AN ACT TO ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF MOREHEAD CITY.

H.B. 804, AN ACT TO AUTHORIZE ANSON, CRAVEN, MCDOWELL, MONTGOMERY, AND PAMLICO COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION.

H.B. 807, AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WINTERVILLE.

H.B. 880, AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES.

S.J.R. 770, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERMAN HARLEY "BULL" WEST, ONE OF WESTERN NORTH CAROLINA'S MOST DISTINGUISHED CITIZENS. (Res. 12.)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 678, AN ACT TO ESTABLISH RESIDENCE DISTRICTS FOR THE GATES COUNTY BOARD OF EDUCATION AND THE GATES COUNTY BOARD OF COMMISSIONERS. (Became law upon ratification, May 14, 2001–S.L. 2001-63.)

H.B. 159, AN ACT TO PROVIDE THAT THE BEAR HUNTING SEASON IN MARTIN COUNTY APPLIES TO THE ENTIRE COUNTY. (Became law upon ratification, May 14, 2001–S.L. 2001-64.)

H.B. 172, AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CEDAR POINT AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL JURISDICTION. (Became law upon ratification, May 14, 2001–S.L. 2001-65.)

H.B. 196, AN ACT TO EXEMPT FROM THE PUBLIC BIDDING LAWS THE VILLAGE OF PINEHURST IN THE RESTORATION OF THE FAIR BARN AND COLLEGE OF THE ALBEMARLE IN THE CONSTRUCTION OF A MULTIPURPOSE FACILITY IN THE CITY OF ELIZABETH CITY. (Became law upon ratification, May 14, 2001–S.L. 2001-66.)

H.B. 794, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM ACROSS THE RIGHT-OF-WAY OF A PUBLIC ROAD IN CALDWELL COUNTY FOR THE PURPOSE OF TARGET PRACTICE. (Became law upon ratification, May 14, 2001–S.L. 2001-67.)

H.B. 819, AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKINGHAM. (Became law upon ratification, May 14, 2001–S.L. 2001-68.)

H.B. 856, AN ACT TO ALLOW CARTERET COUNTY TO ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING. (Became law upon ratification, May 14, 2001–S.L. 2001-69.)

The President extends the courtesies of the floor to Attorney General Roy Cooper, former Senator.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 9(J) OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING WHICH JUDGE MAY SIGN ORDERS EXTENDING THE STATUTE OF LIMITATIONS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION, with a favorable report.

H.B. 723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST, with a favorable report.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 689, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS, with a favorable report.

H.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN BOARDS OF COUNTY COMMISSIONERS TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PUBLIC HEALTH LAWS OR RULES, with a favorable report.

H.B. 1276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS, with a favorable report.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 1084 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS, with a favorable report.

H.B. 350, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, with a favorable report.

H.B. 352, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXPIRATION DATE IN THE RISK SHARING PLAN LAW, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 446, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO ENTER COOPERATIVE AGREEMENTS FOR MANAGEMENT OF ABC STORES, with a favorable report.

H.B. 1143, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

Referred to **Finance Committee**.

S.B. 302 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S REGIONAL CONSERVATION SERVICES PROGRAM TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 16.

S.B. 310 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 16.

S.B. 542 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, May 16.

CALENDAR (*continued*)

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL A BERTIE COUNTY LOCAL ACT REGULATING POSSESSION OF A FIREARM ON A BOAT.

With unanimous consent, upon motion of Senator Ballance, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State and Local Government Committee**.

H.B. 504 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874 MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS AND EXTENDING THE EXPIRATION DATE FOR THE COMPLETION OF CERTAIN REAL ESTATE TRANSACTIONS BY MECKLENBURG COUNTY.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 866 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee

Substitute bill

H.B. 875 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL.

Senator Wellons offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

The Chair grants a leave of absence for the remainder of today's session to Senator Carpenter.

Upon the appearance of Senator Martin of Pitt in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1163, A JOINT RESOLUTION CONGRATULATING FORT BRAGG, CAMP LEJEUNE, AND SEYMOUR JOHNSON AIR FORCE BASE AS RECIPIENTS OF THE 2001 COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE AND HONORING THE MEMORY OF BRAXTON BRAGG, JOHN A. LEJEUNE, SEYMOUR JOHNSON, AND THE MEN AND WOMEN ASSIGNED TO THESE MILITARY INSTALLATIONS WHO DIED IN THE LINE OF DUTY.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the joint resolution is read in its entirety.

Upon motion of Senator Dannelly, the remarks of the members are spread upon the Journal, as follows:

Senator Kerr:

"Thank you, Madame President and Senator Basnight and Senator Rand for your indulgence on our Calendar today. I think this is an historic day. I had the kind of distinct honor of growing up right next to a Braxton Bragg home place in Warrenton. I think our property lines touched at one time back in history and also I left Warrenton, as Senator Horton knows, and moved down to Goldsboro, and there I found out about Seymour Johnson, whom I believe was a naval pilot who was killed, and the air base there, which was open for World War II, was named in his honor. The base was closed for a while during the '50's and was reopened under the leadership of our Mayor, Scott B. Berkeley, who worked tirelessly to reopen the base, and the base is a small base but it is a powerful base. Today it trains all the fighter pilots in the U.S. Air Force. It also is an economic dynamo for eastern North Carolina, having a cash flow, or worth, or enhancement of about $350 million a year. That's a small base and my friends, Senator Albertson, maybe Senator Thomas, Senator Rand, will talk about the other bases, but I think that Goldsboro has prided itself with trying to have a good, friendly relationship with the men and women who have served us in the Air Force and we have, I believe, the best relationship and it cultivated the most friends and we see two of our local businessman in the gallery, and I believe that's a General. I apologize, I can't see. Maybe I'm wrong. I just can't see through the railing up there, but we have tried hard and Senator Basnight is a very integral

part of what's happening at Camp Lejeune and the Marine Air Force and also the base at Seymour Johnson, because we do some training in Dare County, and the Dare County bombing range is a key, I think, to keeping these bases open in Eastern North Carolina. They will all be up for renewal next year, with another ... These bases, the ones that we've mentioned here, were the best in the Air Force, and the Army and the Marines, and they won over a million and a half dollars to go into the quality of life investments for the men and women who serve us. Unfortunately, the men and women that we have now serving us have to go, and go on a moment' s notice, to all different areas of the globe to keep the peace, and I just appreciate this resolution and I commend it to you. They are great citizens of our community. Another immense benefit are the number of retirees we have in our work force -- people who have retired there. I think there are 35,000 military retirees within 20 miles of Goldsboro, and I'm not even talking about Senator Rand's installation which is, of course, a tremendous installation there. We appreciate these people and I thank you for this resolution coming from the House and I commend it to the Senate.

Senator Shaw of Cumberland:

"Thank you, Madame President. Ladies and gentlemen of the Senate, you heard Senator Kerr speak so eloquently on the mission of the military bases here in North Carolina. It only goes to say that slogan 'Nothing could be finer than to be in Carolina'. I think the world has finally found out what we've known all along. Why is it all those branches of services are here in North Carolina? I think it goes to show that it is not only military preparedness but also the quality of life issues that Senator Kerr spoke about. This award was given because of the work conditions and the high quality issues that affect the life of the military personnel as well as the civilian personnel that are working in those communities. We've learned the hard way during Desert Storm, for the great loss, the military community gives to our economy. We've suffered severely because of a tremendous downtime because all of the soldiers were gone during Desert Storm. We were very happy to see them return to put life back into our city and our economy. But, more importantly, Senator Kerr talked about it, we have quite a large retirement community in our area as well, and I think the numbers are in excess of $250 million in sales at the commissaries for the retired, so that speaks volumes. I wish we got sales tax on it. That would solve a lot of problems. We'd like to ask that you all, and there are others here who have bases that are represented, but speaking for Fort Bragg and Senator Rand, we ask that you would support the resolution, and congratulations to our armed forces and military personnel. Thank you."

Senator Rand:

"Thank you, ma'am. Ladies and Gentlemen of the Senate, it is really a wonderful time in our community now, where Fort Bragg has been recognized as the number one base in the army, and I think this carried an award of $3 million for the use and benefit of the base to enhance the quality of life there at Fort Bragg. As you know, we are invited to Fort Bragg for a joint training exercise next Friday, a week from this coming Friday, and those of you who have not had the opportunity to go to Fort Bragg and see today's army will miss a real treat if you do not take advantage of this opportunity. Fort Bragg is an amazing place. It means so much for our community and not only in economic terms.

As ya'll know it's probably the largest single economic thing in this State, but also for the quality of life, the diversity of our community. You can get just about any kind of food from any kind of place in the world in Fayetteville, and it really is a wonderful place to live and to be neighbors to today's army. We also are pleased that a native North Carolinian is now the Commanding General of the 18th Airborne Corps. The 18th Airborne Corps is made up of the 82nd Airborne Division of the 1st Airborne out in Fort

Campbell, Kentucky. A bunch of other support groups make up the Corps, but it is really America's first line of defense. Eighty-second, of course, is the all-American division. It's the only airborne division in the army and, as such, it's able to go anywhere in the world just about on a moment's notice. If you have never had the opportunity to see them when they go out and all the planes leaving and things like that, it's an amazing enterprise and an amazing operation and it really says a lot for the kinds of things that the army really can do for the peace and prosperity of the world. We are delighted to have Fort Bragg in our midst. It carries North Carolina all over the world on a daily basis, and it means so much for what North Carolina is about. It started as an artillery post in the first World War, but it now means so much to us. So I hope you will all take advantage of the opportunity to come next week and see what kind of things go on there, see some part of it. I appreciate this resolution being brought before us today to recognize other contributions and the special awards that these three bases mean to all of us and what it means to our State. Thank you, Madame President."

Senator Albertson:

"Thank you, Madame President and members of the Senate. I've had the privilege, I guess, unlike anyone else in this chamber, in having been able over the years, to play music at all these military installations. Beyond that, back in the mid seventies, I had the privilege and opportunity to travel to twenty-six countries around the world entertaining our forces personnel, and you would not believe some of the conditions our people have to live in to serve us and stand on the line of defense around the world. I have met many wonderful people through my military experience, and I love these people and my hat is off to them. They stand on the line of defense not only for us, but for all people around the world."

Senator Rand offers Amendment No. 1 which is adopted (47-0).

The joint resolution, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Upon motion of Senator Rand and Senator Shaw of Cumberland, the President extends the courtesies of the gallery to guests representing the military bases in North Carolina.

Upon motion of Senator Basnight, seconded by Senator Kerr, Senator Rand, Senator Shaw of Cumberland and Senator Thomas, the Senate adjourns at 3:57 P.M. to meet tomorrow, Wednesday, May 16, at 3:00 P.M.

SIXTY-FIFTH DAY

Senate Chamber
Wednesday, May 16, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, some days everything about our relationship and journey with you seems to go just as you and we would like. We're authentic, non-judging, humble,

compassionate. Other days it's a struggle. We feel more like the child who prayed 'Dear God, I'm doing the best I can!' At those times we find ourselves saying one thing with our words and doing another with our deeds. We criticize others for that which we allow in ourselves. We try to make the best of both worlds trying to please others and you. When we throw our hands up in exasperation and say we're doing the best we can, what we mean is, 'We want to do better.' Come hear and help us to that end. Amen."

The Chair grants leaves of absence for today to Senator Jordan and Senator Reeves.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Michelle Taylor from Laurinburg, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 132, AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING.

H.B. 261, AN ACT TO AMEND THE STATE VETERANS HOME ACT.

And the following Bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 399, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE.

S.B. 486, AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE.

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

S.B. 890, A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8649 is adopted and engrossed.

Upon motion of Senator Hagan, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Carter for the **Education/Higher Education Committee**:

H.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL, with a favorable report.

H.J.R. 1161 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, with a favorable report.

H.B. 431 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3850 is adopted and engrossed.

H.B. 1149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3851, which changes the title to read **H.B. 1149** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES, AND TO CLARIFY THE LAW PROHIBITING RETALIATION AGAINST EMPLOYEES WHO REPORT SEXUAL HARASSMENT, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 262 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR INTERMENT IN A STATE VETERANS CEMETERY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 4630 is adopted and engrossed.

H.B. 1272 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR

CONSTRUCTION OF STATE FACILITIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3849 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS.

Referred to **Transportation Committee**.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS.

Referred to **Agriculture/Environment/Natural Resources Committee**.

S.B. 401 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 17.

S.B. 499 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO ADOPTION, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 17.

S.B. 617 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 17.

S.B. 708 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 17.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING

SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 350, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

With unanimous consent, upon motion of Senator Wellons, the bill is withdrawn from today's Calendar and is re-referred to the **Insurance/Consumer Protection Committee**.

H.B. 1276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.

With unanimous consent, upon motion of Senator Metcalf, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, May 17.

H.B. 352, A BILL TO BE ENTITLED AN ACT TO REPEAL THE EXPIRATION DATE IN THE RISK SHARING PLAN LAW.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 9(J) OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING WHICH JUDGE MAY SIGN ORDERS EXTENDING THE STATUTE OF LIMITATIONS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 446, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO ENTER COOPERATIVE AGREEMENTS FOR MANAGEMENT OF ABC STORES.

The bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

RECALL FROM ENROLLING

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS, passed second and third readings, ordered enrolled and sent to the Governor earlier today.

Having voted with the majority, Senator Wellons offers a motion that the Committee Substitute bill be recalled from the Enrolling Office. The Committee Substitute bill is placed before the Senate for immediate consideration. Senator Wellons further moves that

the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

The question before the Senate becomes the passage of the Committee Substitute bill on its third reading.

With unanimous consent, upon motion of Senator Wellons, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 689, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS.

With unanimous consent, upon motion of Senator Carter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 21.

H.B. 723 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN BOARDS OF COUNTY COMMISSIONERS TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PUBLIC HEALTH LAWS OR RULES.

The bill passes its second (46-2) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1143, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS.

The bill passes its second (35-13) and third readings and is ordered enrolled and sent to the Governor.

S.B. 302 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S REGIONAL CONSERVATION SERVICES PROGRAM TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 310 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 542 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO

REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, with a favorable report.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS, with a favorable report.

H.B. 834 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, with a favorable report.

H.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF BREVARD AND PROVIDING THAT THE AREAS SHALL NOT BE CONSIDERED IN CALCULATING THE MAXIMUM AMOUNT OF SATELLITE ANNEXATIONS ALLOWED FOR THAT CITY, with a favorable report.

S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS, with a favorable report, as to concurrence.

Upon motion of Senator Ballance, seconded by Senator Moore, the Senate adjourns at 4:04 P.M. to meet tomorrow, Thursday, May 17, at 11:00 A.M.

SIXTY-SIXTH DAY

Senate Chamber
Thursday, May 17, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, with difficult issues like the budget, redistricting and the lottery still to be decided by this legislature, it might be helpful to remember what a wise person said concerning getting somewhere, 'We can't cross a bridge until we come to it,' he said, 'But I always like to lay down a pontoon ahead of time.'

"Sometimes an answer is determined not by faith as opposed to practicality, but by the flowing together of the two. Help us to that end. Amen."

The Chair grants leaves of absence for today to Senator Carter, Senator Forrester, Senator Jordan, Senator Lee, Senator Martin of Guilford, Senator Odom, Senator Plyler, Senator Reeves and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, May 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. John Kenneth Williford, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 302, AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S REGIONAL CONSERVATION SERVICES PROGRAM TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART.

S.B. 310, AN ACT TO CLARIFY THE LAW GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE.

S.B. 370, AN ACT AMENDING THE JOINT SECURITY FORCE PROVISIONS FOR STATE FACILITIES FOR MENTALLY ILL PERSONS.

S.B. 542, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES.

S.B. 735, AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET.

H.B. 352, AN ACT TO REPEAL THE EXPIRATION DATE IN THE RISK SHARING PLAN LAW.

H.B. 434, AN ACT TO AMEND RULE 9(J) OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING WHICH JUDGE MAY SIGN ORDERS EXTENDING THE STATUTE OF LIMITATIONS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

H.B. 446, AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO ENTER COOPERATIVE AGREEMENTS FOR MANAGEMENT OF ABC STORES.

H.B. 608, AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES.

H.B. 723, AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST.

H.B. 837, AN ACT TO AUTHORIZE CERTAIN BOARDS OF COUNTY COMMISSIONERS TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PUBLIC HEALTH LAWS OR RULES.

H.B. 1143, AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS.

H.B. 1285, AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 439, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 158, AN ACT TO REPEAL THE MONROE FIREMEN'S SUPPLEMENTAL RETIREMENT FUND. (Became law upon ratification, May 15, 2001–S.L. 2001-70.)

S.B. 544, AN ACT TO CORRECT AN INCONSISTENCY IN THE HENDERSON FIREMEN'S SUPPLEMENTAL RETIREMENT ACT. (Became law upon ratification, May 15, 2001–S.L. 2001-71.)

H.B. 321, AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE CITY OF SALISBURY. (Became law upon ratification, May 15, 2001–S.L. 2001-72.)

H.B. 555, AN ACT TO AUTHORIZE THE HALIFAX REGIONAL AIRPORT AUTHORITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN USING THE "QUICK TAKE" PROCEDURE. (Became law upon ratification, May 15, 2001–S.L. 2001-73.)

H.B. 697, AN ACT TO MAKE MODIFICATIONS TO THE BRUNSWICK FIRE FEE LEGISLATION. (Became law upon ratification, May 15, 2001–S.L. 2001-74.)

H.B. 712, AN ACT TO ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF MOREHEAD CITY. (Became law upon ratification, May 15, 2001–S.L. 2001-75.)

H.B. 804, AN ACT TO AUTHORIZE ANSON, CRAVEN, MCDOWELL, MONTGOMERY, AND PAMLICO COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR BOARDS OF EDUCATION. (Became law upon ratification, May 15, 2001–S.L. 2001-76.)

H.B. 807, AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WINTERVILLE. (Became law upon ratification, May 15, 2001–S.L. 2001-77.)

H.B. 880, AN ACT TO AUTHORIZE THE OWNERS OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN BERTIE COUNTY TO TRANSFER OWNERSHIP OF THESE SYSTEMS TO A JOINT AGENCY CREATED BY CERTAIN OTHER COUNTIES, TO AUTHORIZE ADDITIONAL COUNTIES TO COLLECT FEES FOR THE INSPECTION OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES, AND TO AUTHORIZE CERTAIN COUNTIES TO COLLECT FEES FOR THE MAINTENANCE AND REPAIR OF PROVISIONALLY APPROVED SEPTIC TANKS AND INNOVATIVE SEPTIC TANK SYSTEMS IN THE SAME MANNER AS PROPERTY TAXES. (Became law upon ratification, May 15, 2001–S.L. 2001-78.)

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 23.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 834 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE ITS ROOM

OCCUPANCY TAX FOR TOURISM PROMOTION.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, Bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6725 is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

H.B. 1232, A BILL TO BE ENTITLED AN ACT TO DIRECT THE HEALTH AND WELLNESS TRUST FUND COMMISSION TO ENDEAVOR TO FUND PROGRAMS AND INITIATIVES TO EXPAND ACCESS TO PRESCRIPTION DRUGS FOR SENIORS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3852, which changes the title to read **H.B. 1232** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE HEALTH AND WELLNESS TRUST FUND COMMISSION TO ENDEAVOR TO FUND PROGRAMS AND INITIATIVES TO EXPAND ACCESS TO PRESCRIPTION DRUGS FOR SENIORS AND DISABLED CITIZENS, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1160 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR UNIFORM PROVIDER CREDENTIALING BY HEALTH INSURANCE PLANS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1666 is adopted and engrossed.

CALENDAR (*continued*)

H.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF BREVARD AND PROVIDING THAT THE AREAS SHALL NOT BE CONSIDERED IN CALCULATING THE MAXIMUM AMOUNT OF SATELLITE ANNEXATIONS ALLOWED FOR THAT CITY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—41.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 21.

S.B. 401 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 617 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled.

S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (41-0) and the measure is ordered enrolled.

H.B. 431 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS.

With unanimous consent, upon motion of Senator Metcalf, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 22.

Upon the appearance of Senator Forrester in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 262 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR INTERMENT IN A STATE VETERANS CEMETERY.

The Senate Committee Substitute bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

Upon the appearance of Senator Martin of Guilford in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The bill passes its second reading (38-5).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 21.

H.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

The Committee Substitute bill passes its second reading (35-8).

Senator Dannelly objects to third reading of the measure.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is placed on the Calendar for Tuesday, May 22.

H.B. 1149 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES, AND TO CLARIFY THE LAW PROHIBITING RETALIATION AGAINST EMPLOYEES WHO REPORT SEXUAL HARASSMENT.

The Senate Committee Substitute bill passes its second reading (43-1).

With unanimous consent, upon motion of Senator Gulley, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 22.

H.J.R. 1161 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

The Committee Substitute joint resolution passes its second (43-0) and third readings and is ordered enrolled.

The Chair grants a leave of absence for the remainder of today's session to Senator Webster.

H.B. 1276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.

The Committee Substitute bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 499 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO ADOPTION, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 708 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER, for concurrence in House Amendments No. 1 and No. 2.

The bill is placed on the Calendar for Monday, May 21.

S.B. 739 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND PRIVILEGED COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES, LICENSED CLINICAL SOCIAL WORKERS, AND LICENSED MARRIAGE AND FAMILY THERAPISTS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for Monday, May 21.

Upon motion of Senator Basnight, seconded by Senator Miller, the Senate adjourns at 12:10 P.M., in honor of Senator Miller's and Leroy Clark's birthdays, to meet Monday, May 21, at 7:00 P.M.

SIXTY-SEVENTH DAY

Senate Chamber
Monday, May 21, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Ephesians 3:20 says, 'Now to him who is able to do immeasurably more than all we ask or imagine, according to his power that is at work within us -- to God be the glory.'

"At the beginning of a new week, the thought of being able to do immeasurably more than we ask or imagine with the help of God's spirit is truly a note of hope and a promise we claim. Remind us that it doesn't take a big person to be used of God, but it does take all there is in each of us! Your resources, O God, are unlimited. The only ability you require is our availability. So help us to be available to you this week. Amen."

The Chair grants leaves of absence for tonight to Senator Hartsell, Senator Hoyle, Senator Kinnaird, Senator Martin of Pitt and Senator Shaw of Guilford.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, May 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President *Pro Tempore* of the Senate extends courtesies of the floor to Dr. Donald K. Byrum, Jr. from Chapel Hill, North Carolina, who is serving the Senate as Doctor of

the Day, and to Lacy Miller from Selma, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 396, AN ACT AUTHORIZING THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS TO ACQUIRE REAL PROPERTY, TO ESTABLISH A SYSTEM OF STAGGERED LICENSE RENEWAL, AND TO INCREASE FEES.

S.B. 434, AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS.

S.B. 499, AN ACT TO AMEND THE LAWS RELATING TO ADOPTION.

S.B. 708, AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS.

H.B. 700, AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS.

H.B. 857, AN ACT TO CLARIFY THAT AN AREA MENTAL HEALTH AUTHORITY THAT HAS ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA BANK.

H.B. 958, AN ACT TO REQUIRE COST REPORTS SPECIFIC TO ADULT CARE HOME SPECIAL CARE UNITS AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A DESIGNATED REIMBURSEMENT SYSTEM FOR RESIDENTS IN SPECIAL CARE UNITS.

H.B. 1083, AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A WEAPON.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 401, AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES.

S.B. 617, AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS.

S.B. 651, AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY

EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS.

H.J.R. 1161, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION. (Res. 13.)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 399, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE CHARTER OF THE CITY OF CHARLOTTE. (Became law upon ratification, May 16, 2001–S.L. 2001-79.)

S.B. 486, AN ACT AUTHORIZING THE TOWN OF KERNERSVILLE TO CONVEY CERTAIN PROPERTY AT A PRIVATE SALE. (Became law upon ratification, May 16, 2001–S.L. 2001-80.)

H.B. 1117, AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY HAS DISCRETION AS TO WHETHER TO SEEK THE DEATH PENALTY FOR A CAPITAL CASE. (Became law upon approval of the Governor, May 17, 2001–S.L. 2001-81.)

H.B. 410, AN ACT TO PERMIT COMMUNITY COLLEGE BOARDS TO DISPOSE OF CERTAIN REAL AND PERSONAL PROPERTY WITHOUT THE APPROVAL OF THE STATE BOARD OF COMMUNITY COLLEGES. (Became law upon approval of the Governor, May 17, 2001–S.L. 2001-82.)

H.B. 182, AN ACT TO AMEND THE ANTI-LAPSE STATUTE TO PROVIDE THAT THE INTEREST OF A DECEASED CLASS MEMBER WHO LEAVES NO ISSUE DEVOLVES UPON THE REMAINING CLASS MEMBERS AND THE ISSUE OF OTHER DECEASED CLASS MEMBERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, May 17, 2001–S.L. 2001-83.)

S.B. 25, AN ACT TO CLARIFY THE STATE'S AUTHORITY TO LEASE-PURCHASE THREE CLOSE SECURITY CORRECTIONAL FACILITIES. (Became law upon approval of the Governor, May 17, 2001–S.L. 2001-84.)

H.B. 736, AN ACT TO REQUIRE THAT LONG-TERM CARE FACILITIES POST INFORMATION ABOUT STAFFING LEVELS. (Became law upon approval of the Governor, May 17, 2001–S.L. 2001-85.)

H.B. 979, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ISSUE SPECIAL HIGH SCHOOL DIPLOMAS TO VETERANS OF WORLD WAR II WHO HAVE NOT PREVIOUSLY RECEIVED DIPLOMAS. (Became law upon approval of the Governor, May 17, 2001- S.L. 2001-86.)

H.B. 150, AN ACT TO WAIVE THE PENALTIES FOR FAILURE TO MEET CERTAIN TAX-RELATED DEADLINES BECAUSE OF A PRESIDENTIALLY

DECLARED DISASTER. (Became law upon approval of the Governor, May 17, 2001–S.L. 2001-87.)

S.B. 439, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT AND ENFORCE ORDINANCES RELATING TO PARKING. (Became law upon ratification, May 17, 2001–S.L. 2001-88.)

H.B. 85, AN ACT TO AMEND THE LAW AFFECTING THE LEASE OF STATE PROPERTY TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-89.)

H.B. 329, AN ACT PERTAINING TO TRANSPORTATION SERVICES OFFERED BY ADULT DAY CARE PROGRAMS. (Became law upon approval of the Governor, May 18, 2001–S.L. 90.)

S.B. 888, AN ACT TO INCREASE THE FEES FOR NONRESIDENT HUNTING LICENSES, TO PROVIDE FOR A BEAR/WILD BOAR HUNTING LICENSE, AND TO MAKE OTHER CHANGES AFFECTING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-91.)

S.B. 221, AN ACT TO EXEMPT EMPLOYEES OF A PUBLIC HEALTH AUTHORITY FROM CHAPTER 126 OF THE GENERAL STATUTES AND TO MAKE CONFORMING CHANGES TO CHAPTER 126. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-92.)

S.B. 30, AN ACT TO MAKE IT UNLAWFUL TO TAKE SEA OATS. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-93.)

S.B. 538, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT TO ALLOW MORE FLEXIBILITY IN CREATING TWO-COUNTY INDUSTRIAL PARKS. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-94.)

H.B. 274, AN ACT TO AMEND CERTAIN STATUTORY TERMS AND REFERENCES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-95.)

H.B. 902, AN ACT TO ADD AN APPOINTEE OF THE COMMISSION ON INDIGENT DEFENSE SERVICES TO THE STATE JUDICIAL COUNCIL. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-96.)

H.B. 15, AN ACT TO AMEND THE DEFINITION OF A SCHOOL SYSTEM AND AMEND THE RECOMMENDED SCHOOL CLASSIFICATIONS BY ADDING THE DEFINITION OF THE TERM "MIDDLE SCHOOL". (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-97.)

S.B. 463, AN ACT TO AMEND THE LAWS RELATING TO THE PRACTICE OF NURSING. (Became law upon approval of the Governor, May 18, 2001–S.L. 2001-98.)

The President Pro Tempore extends the courtesies of the gallery to Lois Pullium, Chief

Clerk of the House of Representatives in Kentucky and other staff members, who are visiting the Senate today.

INTRODUCTION OF A RESOLUTION

Senator Rand offers a motion that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Soles:

S.J.R. 1101, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JAMES YANCEY KERR, II AND MICHAEL SATTERFIELD WILKINS TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION AND THE APPOINTMENT OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION.

Referred to **Commerce Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

S.B. 162 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

S.B. 336 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN VARIOUS COUNTIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

S.B. 453 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF LEXINGTON AND WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

S.B. 666 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT

AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

S.B. 1004 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

S.B. 1036 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, May 22.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

The Committee Substitute bill is ordered held in the Office of the Principal Clerk, pending referral to Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 671, A BILL TO BE ENTITLED AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–43.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 877 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF BREVARD AND PROVIDING THAT THE AREAS SHALL NOT BE CONSIDERED IN CALCULATING THE MAXIMUM AMOUNT OF SATELLITE ANNEXATIONS ALLOWED FOR THAT CITY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 375 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.

The Senate Committee Substitute bill passes its second reading (40-4).

Senator Berger objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Tuesday, May 22.

H.B. 689, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS.

With unanimous consent, upon motion of Senator Hagan, the bill is withdrawn from tonight's Calendar and is re-referred to the **Judiciary II Committee**.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER, for concurrence in House Amendments No. 1 and No.2.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, May 22.

RECALL FROM ENROLLING

H.B. 1276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS, ordered enrolled on May 17, 2001.

Having voted with the majority, Senator Rand offers a motion that the Committee Substitute bill be recalled from the Enrolling Office for further consideration, which motion prevails. Senator Rand further moves that the bill be placed before the Senate for immediate consideration, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails (44-0).

The question before the Senate becomes the passage of the Committee Substitute bill on its third reading.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

H.B. 1160 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

PROVIDE FOR UNIFORM PROVIDER CREDENTIALING BY HEALTH INSURANCE PLANS.

The Senate Committee Substitute bill passes its second reading (44-0).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Tuesday, May 22.

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Harris, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, May 23.

S.B. 739 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND PRIVILEGED COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES, LICENSED CLINICAL SOCIAL WORKERS, AND LICENSED MARRIAGE AND FAMILY THERAPISTS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSOR

Senator Warren requests to be added as a sponsor of previously introduced legislation:

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PHASE IN A VOLUNTARY PROGRAM THAT GIVES CANDIDATES FOR CERTAIN ELECTIVE OFFICES THE OPTION OF CHOOSING TO FINANCE THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY FUND-RAISING AND SPENDING LIMITS.

Upon motion of Senator Ballance, seconded by Senator Rucho, the Senate adjourns at 7:52 P.M. to meet tomorrow, Tuesday, May 22, at 3:00 P.M.

SIXTY-EIGHTH DAY

Senate Chamber
Tuesday, May 22, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, an old Quaker axiom says, 'Let your life speak.' Sounds simple. It is not.

"What that statement asks of us is to identify and hear your voice within us, that divine image printed on our souls, and then to live out what we hear authentically, truthfully.

"Unfortunately, there are all kinds of different voices calling to us everyday, the voice and demands of society, the voice and demands of our ego, the voice and demands of self-

interest.

"Let our lives speak today, O God, not from behind the masks that the world would have us wear, but from the voice within that reflects your very image. There is no pantomime when our lives speak through you. Amen."

The Chair grants a leave of absence for today to Senator Ballance.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Peter Jernigan from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Jane Fitzgerald from Archdale, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 739, AN ACT TO EXTEND PRIVILEGED COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES, LICENSED CLINICAL SOCIAL WORKERS, AND LICENSED MARRIAGE AND FAMILY THERAPISTS.

S.B. 749, AN ACT TO MAKE TECHNICAL CHANGES TO THE NURSING HOME ADMINISTRATOR ACT.

H.B. 875, AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 504, AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874 MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS AND EXTENDING THE EXPIRATION DATE FOR THE COMPLETION OF CERTAIN REAL ESTATE TRANSACTIONS BY MECKLENBURG COUNTY.

H.B. 671, AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS.

H.B. 866, AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS.

H.B. 877, AN ACT ADDING CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF BREVARD AND PROVIDING THAT THE AREAS SHALL NOT BE CONSIDERED IN CALCULATING THE MAXIMUM AMOUNT OF SATELLITE ANNEXATIONS ALLOWED FOR THAT CITY.

H.J.R. 1163, A JOINT RESOLUTION CONGRATULATING FORT BRAGG, CAMP LEJEUNE, AND SEYMOUR JOHNSON AIR FORCE BASE AS RECIPIENTS OF THE 2001 COMMANDER IN CHIEF'S AWARD FOR INSTALLATION EXCELLENCE AND HONORING THE MEMORY OF BRAXTON BRAGG, JOHN A. LEJEUNE, SEYMOUR JOHNSON, AND THE MEN AND WOMEN ASSIGNED TO THESE MILITARY INSTALLATIONS WHO DIED IN THE LINE OF DUTY. (Res. 14.)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 401, AN ACT TO ASSIST FORSYTH COUNTY AND STANLY COUNTY WITH EXPEDITING THE CONSTRUCTION OF PUBLIC SCHOOL FACILITIES. (Became law upon ratification, May 21, 2001–S.L. 2001-99.)

S.B. 617, AN ACT EXTENDING THE TERMS OF OFFICE FOR THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STOVALL AND STAGGERING THOSE TERMS. (Became law upon ratification, May 21, 2001–S.L. 201-100.)

S.B. 651, AN ACT TO PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTING THE MEMBERS OF THE MOUNT AIRY PLANNING BOARD AND THE ZONING BOARD OF ADJUSTMENT OF AND FOR THE CITY OF MOUNT AIRY UPON THE ADOPTION OF AN ORDINANCE BY THE CITY OF MOUNT AIRY EXTENDING ITS JURISDICTION ONE MILE BEYOND ITS CORPORATE LIMITS. (Became Law upon ratification, May 21, 2001–S.L. 2001-101.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8648 is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 800, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

S.B. 422, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5676, which changes the title to read **S.B. 422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXTENSION OF WATER AND SEWER LINES TO NEW INDUSTRIAL SITES IN WILSON COUNTY, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 2689 is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

S.J.R. 1101, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JAMES YANCEY KERR, II AND MICHAEL SATTERFIELD WILKINS TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION AND THE APPOINTMENT OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION, with a favorable report.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 665, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS, with a favorable report.

By Senator Hoyle for the **Finance Committee**:

S.B. 395, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3854 is adopted and engrossed.

S.B. 628, A BILL TO BE ENTITLED AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3853 is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 336 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN VARIOUS COUNTIES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

S.B. 453 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITIES OF LEXINGTON AND WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-1) and the measure is ordered enrolled.

S.B. 666 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-49).

Senator Plyler offers a motion that the Senate appoint conferees, which motion prevails.

H.B. 431 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 375 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.

With unanimous consent, upon motion of Senator Thomas, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, May 23.

H.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

Ballantine offers Amendment No. 1.

The President orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

H.B. 1149 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES

ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES, AND TO CLARIFY THE LAW PROHIBITING RETALIATION AGAINST EMPLOYEES WHO REPORT SEXUAL HARASSMENT.

Senator Gulley offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its third reading (46-2) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 431 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Metcalf, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 24.

H.B. 1160 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR UNIFORM PROVIDER CREDENTIALING BY HEALTH INSURANCE PLANS.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 162 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–49.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, May 23.

S.B. 1036 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Hoyle, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, May 23.

The Chair grants a leave of absence for the remainder of today's session to Senator Hoyle and Senator Kerr.

May 22, 2001

WITHDRAWAL FROM COMMITTEE

S.B. 1002 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, referred to the **Appropriations/Base Budget Committee** today, Tuesday, May 22.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, Wednesday, May 23, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Wednesday, May 23.

CALENDAR (*continued*)

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 29.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (44-3) and the measure is ordered enrolled and sent to the Governor.

S.B. 1004 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor.

H.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL, temporarily displaced earlier today with Amendment No. 1 pending.

With unanimous consent, upon motion of Senator Dalton, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 24, with Amendment No. 1 pending.

Upon motion of Senator Basnight, seconded by Senator Dalton, the Senate adjourns at 4:01 P.M. to meet tomorrow, Wednesday, May 23, at 3:00 P.M.

SIXTY-NINTH DAY

Senate Chamber
Wednesday, May 23, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, sometimes even our best-intentioned communications don't come out the way we want or are not heard correctly. In a recent church newsletter the following acknowledgment was actually printed: 'During the absence of our pastor, we enjoyed the rare privilege of hearing a good sermon when The Reverend J.F. Stubs filled in.'

"I guess the Senators who are asked to speak in places of worship should take heart! Thank you, O God, for having a sense of humor and helping us also to have one. Amen."

The Chair grants a leave of absence for today to Senator Carrington.

Senator Rand announces that the Journal of yesterday, Tuesday, May 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the floor to Dr. D. E. Ward, Jr. from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Cherry Beasley from Lumberton, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 264, AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER.

S.B. 380, AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES.

S.B. 803, AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY.

S.B. 942, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS.

S.B. 1004, AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE.

S.B. 1070, AN ACT ESTABLISHING A DISPUTE RESOLUTION PROCEDURE TO ASSIST THE OFFICE OF INFORMATION TECHNOLOGY IN THE COLLECTION OF FEES RELATED TO INFORMATION TECHNOLOGY SERVICES PROVIDED BY THE OFFICE.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 336, AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN VARIOUS COUNTIES.

S.B. 453, AN ACT AUTHORIZING THE CITIES OF LEXINGTON AND WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 504, AN ACT ALLOWING THE TOWN OF MATTHEWS TO LEASE THE 1874 MATTHEWS DEPOT FOR A TERM OF MORE THAN TEN YEARS AND EXTENDING THE EXPIRATION DATE FOR THE COMPLETION OF CERTAIN REAL ESTATE TRANSACTIONS BY MECKLENBURG COUNTY. (Became law upon ratification, May 22, 2001–S.L. 2001-102.)

H.B. 671, AN ACT ANNEXING A CERTAIN DESCRIBED AREA TO THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS. (Became law upon ratification, May 22, 2001- S.L. 2001-103.)

H.B. 866, AN ACT AUTHORIZING THE CITY OF GREENVILLE TO REQUIRE OWNERS OF RENTAL PROPERTY WITHIN THE CITY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS. (Became law upon ratification, May 22, 2001–S.L. 2001-104.)

H.B. 877, AN ACT ADDING CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF BREVARD AND PROVIDING THAT THE AREAS SHALL NOT BE CONSIDERED IN CALCULATING THE MAXIMUM AMOUNT OF SATELLITE ANNEXATIONS ALLOWED FOR THAT CITY. (Became law upon ratification, May 22, 2001–S.L. 2001-105.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Robinson for the **State and Local Government Committee**:

H.B. 667, A BILL TO BE ENTITLED AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S COMMISSIONERS AND MAYOR, AND STAGGERING THOSE TERMS, with a favorable report.

H.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON STREETS OWNED BY WEST SIDE LANDOWNERS ASSOCIATION, INC., IN MOORE COUNTY, with a favorable report.

H.B. 752 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS, with a favorable report.

H.B. 903, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN RICHMOND COUNTY, with a favorable report.

H.B. 906, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, with a favorable report.

H.B. 929, A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL JURISDICTION AND RELATED POWERS TO THE TOWN OF MINNESOTT BEACH, with a favorable report.

H.B. 935, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, with a favorable report.

H.B. 891, A BILL TO BE ENTITLED AN ACT TO REGULATE SPOTLIGHTING OF DEER IN WAKE COUNTY, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 2691 is adopted and engrossed.

By Senator Reeves for the **Information Technology Committee**:

H.B. 331, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL PUBLIC MEMBERS OF THE INFORMATION RESOURCE MANAGEMENT COMMISSION, with a favorable report.

H.B. 1090, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE PRESIDENT OF THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER SHALL SERVE AS AN EX OFFICIO MEMBER OF THE RURAL INTERNET ACCESS AUTHORITY, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 1341, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 2687 is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 28.

S.B. 395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES.

With unanimous consent, upon motion of Senator Miller, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 28.

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Harris, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 29.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 71 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS, for concurrence in the House Committee Substitute No. 2.

The House Committee Substitute No. 2 bill is placed on the Calendar for tomorrow, Thursday, May 24.

S.B. 716 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 24, 2001.

S.B. 731 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS, for concurrence in the House Committee Substitute.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, May 24.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
May 22, 2001

Madam President:

It is ordered that a message be sent your Honorable body with the information that the House fails to concur in the Senate Amendment #1 to HB 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING, and requests conferees,

The Speaker has appointed:
Representative Yongue, Chair
Representative Bonner, and
Representative Arnold

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

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 800, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO

VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

With unanimous consent, upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 1272 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING STATE AGENCIES TO USE LIFE-CYCLE COST ANALYSIS FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, AND RENOVATION OF STATE FACILITIES AND FOR THE PURCHASE, OPERATION, AND MAINTENANCE OF EQUIPMENT FOR THESE FACILITIES AND IMPLEMENTING A PILOT PROGRAM TO REVIEW THE USE OF THE TRIANGLE J COUNCIL OF GOVERNMENTS' HIGH PERFORMANCE GUIDELINES IN THE RENOVATION OR CONSTRUCTION OF STATE FACILITIES.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 375 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM CALENDAR

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, placed earlier on the Calendar for Tuesday, May 29.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Tuesday, May 29, and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Tuesday, May 29, and re-refers the measure to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7657 is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

H.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO ESTABLISH NEW FEES AND INCREASE CERTAIN CURRENT FEES AND AMENDING CERTAIN PROVISIONS UNDER THE ELECTROLYSIS PRACTICE ACT RELATING TO FEES, with a favorable report.

H.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY, with a favorable report.

H.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE CORPORATE LIMITS, with a favorable report.

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No.1 is adopted.

CALENDAR (*continued*)

S.B. 1002 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

The Chair grants a leave of absence for the remainder of today's session to Senator Kerr.

S.J.R. 1101, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JAMES YANCEY KERR, II AND MICHAEL SATTERFIELD WILKINS TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION AND THE APPOINTMENT OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION.

The joint resolution passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 162 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr,

Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–49.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 1036 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1002 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, temporarily displaced earlier.

Senator Gulley calls the previous question, seconded by Senator Clodfelter. The call is sustained (37-12).

The Committee Substitute bill passes its second (37-12) and third readings and is ordered sent to the House of Representatives.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Nicholas Alexandre Cato, Banner Elk; Andre'a Nicole Chambers, Weaverville; Shope Elaine Dawson, La Grange; John Tanner Hodges, Blowing Rock; Meredith Hodson, Goldsboro; Roberto Seiichi Konishi, Carrboro; Kristina Elizabeth Maddrey, Cary; Tyler Evans McLawhorn, Winterville; Holly Marie Ray, Burnsville; James Adam Sholar, Dunn; Maria E. Vaughn, Gastonia; John Arthur Vaughn, Jr., Gastonia; Luis M. Vicente, Jr., Raleigh; Brenton West, Chapel Hill; Christopher Aaron West, Chapel Hill; and Jordan Christopher Wood, Coats.

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns at 4:06 P.M. to meet tomorrow, Thursday, May 24, at 11:00 A.M.

SEVENTIETH DAY

Senate Chamber
Thursday, May 24, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, Henry Adams, the great-grandson of John Adams once said that teachers affect eternity because they can never tell where their influence ends.

"After watching and listening to the men and women of the Senate at work, and as a

word of encouragement, I suggest that they are enablers in that eternal process. So continue to bless and guide the far-reaching and influential decisions that are made here everyday. To your glory we pray, Amen."

The Chair grants a leave of absence for today to Senator Carrington.

Senator Basnight, President Pro Tempore, announces that the Journal of yesterday, Wednesday, May 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Richard Blumrick from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Gayle Ford from Washington, North Carolina, who is serving the Senate as Nurse of the Day.

The President extends privileges of the floor to Scott Parker, President of the Institute of Outdoor Drama, and performers from various North Carolina Outdoor Dramas.

Senator Weinstein extends privileges of the floor to Margaret Poyner Galbraith, Associate Director of The Opera Company of North Carolina. Ms. Galbraith introduces Victoria Livengood, a native of Thomasville, North Carolina; John Fowler; and Steve Crawford, pianist. Ms. Livengood and Mr. Fowler present a performance from the Opera, Carmen.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 67, AN ACT TO ALLOW THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO CHANGE THE NAME OF THAT COMMITTEE ACCORDINGLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE.

S.B. 162, AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS.

S.B. 274, AN ACT TO REPEAL AN OBSOLETE PROVISION IN THE NORTH CAROLINA SECURITIES ACT.

S.B. 431, AN ACT TO ADJUST THE VALUE THRESHOLDS OF LIMITED AND INTERMEDIATE LICENSES FOR INFLATION UNDER THE LAWS REGULATING GENERAL CONTRACTORS.

S.B. 1036, AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT.

H.B. 262, AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR INTERMENT IN A STATE VETERANS CEMETERY.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1053, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR, with a favorable report.

By Senator Purcell for the **Health Care Committee**:

H.B. 453 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 4177 is adopted and engrossed.

WITHDRAWALS FROM COMMITTEE

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY, referred to the **Rules and Operations of the Senate Committee** on Monday, May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, May 28, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, May 28.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS, referred to the **Rules and Operations of the Senate Committee** on Monday, May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, May 28, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, May 28.

H.B. 800, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, referred to the **Rules and Operations of the Senate Committee** on Wednesday, May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from

the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, May 28, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, May 28.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 29.

H.B. 431 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS.

With unanimous consent, upon motion of Senator Metcalf, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Education/Higher Education Committee**.

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons–46.

Voting in the negative: Senator Webster–1.

The Committee Substitute bill remains on the Calendar for Monday, May 28, upon third reading.

H.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Carpenter, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 28, upon third reading.

H.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE CORPORATE LIMITS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Carpenter, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 28, upon third reading.

H.B. 667, A BILL TO BE ENTITLED AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S COMMISSIONERS AND MAYOR, AND STAGGERING THOSE TERMS.

The bill passes its second and third readings and is ordered enrolled.

H.B. 906, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE.

With unanimous consent, upon motion of Senator Robinson, the bill is withdrawn from today's Calendar and is re-referred to the **State and Local Government Committee**.

H.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON STREETS OWNED BY WEST SIDE LANDOWNERS ASSOCIATION, INC., IN MOORE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 891 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE SPOTLIGHTING OF DEER IN WAKE COUNTY.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 903, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN RICHMOND COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 929, A BILL TO BE ENTITLED AN ACT TO RESTORE

EXTRATERRITORIAL JURISDICTION AND RELATED POWERS TO THE TOWN OF MINNESOTT BEACH.

The bill passes its second and third readings and is ordered enrolled.

H.B. 935, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

The bill passes its second and third readings and is ordered enrolled.

H.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO ESTABLISH NEW FEES AND INCREASE CERTAIN CURRENT FEES AND AMENDING CERTAIN PROVISIONS UNDER THE ELECTROLYSIS PRACTICE ACT RELATING TO FEES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons–47.

Voting in the negative: Senators Berger and Webster–2.

The Committee Substitute bill remains on the Calendar for Monday, May 28, upon third reading.

H.B. 331, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL PUBLIC MEMBERS OF THE INFORMATION RESOURCE MANAGEMENT COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 752 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1090, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE PRESIDENT OF THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER SHALL SERVE AS AN EX OFFICIO MEMBER OF THE RURAL INTERNET ACCESS AUTHORITY.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1341 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.

The Senate Committee Substitute bill passes its second (48-1) and third readings and is

ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL, with Amendment No. 1 pending.

Senator Carter offers Amendment No. 2, a substitute amendment for Amendment No. 1, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (48-1) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING.

Pursuant to the message received from the House of Representatives on Wednesday, May 23, that the House fails to concur in Senate Amendment No. 1 for H.B. 438 and requests conferees, Senator Horton offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Horton as the conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

S.B. 71 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS, for concurrence in House Committee Substitute No. 2.

The Senate concurs in House Committee Substitute bill No. 2 (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 716 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 731 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS, for concurrence in the House Committee Substitute.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS, for concurrence in House Amendments No. 1 and No. 2.

The bill is ordered placed on the Calendar for Monday, May 28.

WITHDRAWALS FROM COMMITTEE

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, May 29, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, May 29.

H.B. 375 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE, referred to the **Rules and Operations of the Senate Committee** on May 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, May 29, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, May 29.

H.J.R. 758, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR, referred to the **Rules and Operations of the Senate Committee** on April 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, May 29, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Tuesday, May 29.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

May 24, 2001

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAW GOVERNING PARTNERSHIPS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3859 is adopted and engrossed.

Upon motion of Senator Clodfelter, the bill is re-referred to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Hagan and Senator Martin of Guilford, the Senate adjourns at 12:11 P.M. in honor of Senator Hagan's and Senator Martin's birthdays to meet Monday, May 28 at 7:00 P.M.

SEVENTY-FIRST DAY

Senate Chamber
Monday, May 28, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, this Memorial Day is about heroes, brave men and women who have died in service to our country. We honor the memories in different ways, with uncountable flags standing like proud, silent sentinels next to markers in cemeteries, with speeches that attempt but can in no way touch the depths of our appreciation, with stories told by fellow participants in the wars, every story etched in their faces by deep crow's feet that read like hieroglyphics with tears.

"The Senate family asks that you honor every memory, O God, of these heroes, until your kingdom comes to fullness and we shall beat our swords into plowshares and the lion shall sleep with the lamb. Amen."

PLEDGE OF ALLEGIANCE

Led by the President, members and guests remain standing and pledge allegiance to the flag of the United States of America.

The Chair grants leaves of absence for tonight to Senator Carrington and Senator Hagan.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, May 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Alexander N.

Newman from Cary, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 71, AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS.

S.B. 716, AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS.

S.B. 731, AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS.

S.B. 852, AN ACT TO AUTHORIZE THE STATE TO PURCHASE OWNER-CONTROLLED OR WRAP-UP INSURANCE FOR PUBLIC WORKS PROJECTS.

H.B. 331, AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL PUBLIC MEMBERS OF THE INFORMATION RESOURCE MANAGEMENT COMMISSION.

H.B. 752, AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS.

H.B. 1090, AN ACT PROVIDING THAT THE PRESIDENT OF THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER SHALL SERVE AS AN EX OFFICIO MEMBER OF THE RURAL INTERNET ACCESS AUTHORITY.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 667, AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S COMMISSIONERS AND MAYOR, AND STAGGERING THOSE TERMS.

H.B. 744, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON STREETS OWNED BY WEST SIDE LANDOWNERS ASSOCIATION, INC., IN MOORE COUNTY.

H.B. 903, AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN RICHMOND COUNTY.

H.B. 929, AN ACT TO RESTORE EXTRATERRITORIAL JURISDICTION AND RELATED POWERS TO THE TOWN OF MINNESOTT BEACH.

H.B. 935, AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 336, AN ACT TO MAKE IT UNLAWFUL TO FRAUDULENTLY OR UNNECESSARILY OBTAIN AMBULANCE SERVICES IN VARIOUS COUNTIES. (Became law upon ratification, May 23, 2001-S.L. 2001–106.)

S.B. 453, AN ACT AUTHORIZING THE CITIES OF LEXINGTON AND WINSTON-SALEM TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES. (Became law upon ratification, May 23, 2001-S.L. 2001–107.)

S.B. 262, AN ACT TO PROVIDE THAT A PERSON IMPROPERLY CHARGED WITH A CRIMINAL OFFENSE AS A RESULT OF IDENTITY FRAUD MAY HAVE HIS OR HER RECORD EXPUNGED. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–108.)

S.B. 541, AN ACT TO EXEMPT SINGLE-FAMILY DWELLINGS USED AS FAMILY FOSTER HOMES OR THERAPEUTIC HOMES FROM SANITATION REQUIREMENTS. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–109.)

S.B. 882, AN ACT TO CONFORM THE LAW GOVERNING CONTRACTS FOR "FUTURES" TO THE FEDERAL COMMODITY EXCHANGE ACT. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–110.)

H.B. 386, AN ACT TO MODIFY THE AUDIT PROCEDURES FOR COMMUNITY COLLEGE PROGRAMS. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–111.)

H.B. 421, AN ACT TO MODIFY THE PROCEDURE FOR SUBMITTING LOCAL BUDGETS TO THE STATE BOARD OF COMMUNITY COLLEGES FOR APPROVAL. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–112.)

H.B. 609, AN ACT TO SPECIFY THE MINIMUM SEPARATION DISTANCES BETWEEN A WELL SERVING CERTAIN SINGLE-FAMILY DWELLINGS AND CERTAIN OTHER STRUCTURES ON THE SAME LOT AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT A TEMPORARY RULE TO INCORPORATE THOSE MINIMUM SEPARATION DISTANCES. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–113.)

H.B. 1108, AN ACT TO PROVIDE THAT PUBLIC AUTHORITIES ARE ELIGIBLE FOR GRANTS FROM THE PARKS AND RECREATION TRUST FUND. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–114.)

H.B. 342, AN ACT RELATING TO THE ADMISSIBILITY, PHOTOGRAPHIC REPRODUCTION, AND RETENTION OF RECORDS OF THE EMPLOYMENT SECURITY COMMISSION. (Became law upon approval of the Governor, May 24, 2001- S.L. 2001–115.)

S.B. 132, AN ACT TO REQUIRE HEALTH INSURANCE PLANS TO PROVIDE COVERAGE FOR COLORECTAL CANCER SCREENING. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–116.)

H.B. 261, AN ACT TO AMEND THE STATE VETERANS HOME ACT. (Became law upon approval of the Governor, May 24, 2001-S.L. 2001–117.)

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

S.B. 1005 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9 and No. 10.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3860, as amended, is adopted and engrossed.

Upon motion of Senator Plyler, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE SPECIAL REGISTRATION PLATES TO VETERANS OF WORLD WAR II, THE KOREAN WAR, AND THE UNITED STATES NAVY SUBMARINE SERVICE.

Referred to **Finance Committee**.

H.B. 1448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM PENALTIES FOR LOCAL MEALS TAXES.

Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES, upon third reading, as amended by the Finance Committee.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—47.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE CORPORATE LIMITS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

With unanimous consent, upon motion of Senator Purcell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 30.

S.B. 395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES.

With unanimous consent, upon motion of Senator Miller, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 30.

The Senate recesses at 7:20 P.M. for the purpose of a Pensions & Retirement and Aging meeting to reconvene at 7:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR (*continued*)

H.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO ESTABLISH NEW FEES AND INCREASE CERTAIN CURRENT FEES AND AMENDING CERTAIN PROVISIONS UNDER THE ELECTROLYSIS PRACTICE ACT RELATING TO FEES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senators Berger and Webster—2.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

The Committee Substitute bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives.

H.B. 453 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES.

The Senate Committee Substitute bill passes its second reading (48-0).

With unanimous consent, upon motion of Senator Purcell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Tuesday, May 29.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS.

The bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 800, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER

OF THE HOUSE OF REPRESENTATIVES, as amended by the Rules and Operations of the Senate Committee.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 1053, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR.

The bill passes its second (47-1) and third readings and is ordered enrolled and sent to the Governor.

S.B. 378, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS, for concurrence in House Amendments No. 1 and No. 2.

The Senate concurs in House Amendments No. 1 and No. 2 (48-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Harris for the **Pensions & Retirement and Aging Committee**:

S.B. 1005 (Committee Substitute with Amendments), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with a favorable report.

Upon motion of Senator Harris, the bill is re-referred to the **Finance Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jessica Barnes, New Bern; Meghan Brewer, Mount Olive; Jordar Oates Burrell, Gastonia; Chris Canrobert, Conover; Megan Cooper, North Wilkesboro; Femi David-Yerumo, Jr., Durham; Jonathan Hewitt Engram, Winston-Salem; Catherine Rebecca Greene, Gastonia; Joshua Stephen Herring, Calypso; Holly Marie Hinson, Lexington; Carlton T. Huffman, Granite Falls; Gency E. Kirk, Bessemer City; Lauren Ledbetter, Bessemer City; Jacqueline Matthews, Angier; Brett Stephen Miller, Gastonia; Misa Kelly Raynor, Belhaven; Heather Jo Rhodes, Four Oaks; Aaron Kirk Ribert, Robbins; Kenneth Lee Rountree, Gates; Mary Summer Stephenson, Lumberton; Roy Lucas Upchurch, Cherryville; and Allison J. Wonsick, Hickory.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 666 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 666 on May 22 and the motion by Senator Plyler to appoint conferees having prevailed, Senator Basnight President *Pro Tempore*, announces the appointment of Senator Plyler and Senator Purcell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 7:45 P.M. to meet tomorrow, Tuesday, May 29, at 1:00 P.M.

SEVENTY SECOND DAY

Senate Chamber
Tuesday, May 29, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, in the early church, the Book of Acts reports that a dispute arose between the Greek and Hebrew believers over the equitable distribution of food to widows from each of the groups. In response, the Apostles appointed seven people full of faith to arbitrate and settle the disagreement. As far as we know, the dispute was solved and the early church thrived.

"At a time when appropriations through the State budget is so top of mind, may the Senators find encouragement in this story from the early church, and the realization that administration of goods and services and doing your will, O God, are not mutually exclusive nor would we want them to be. Amen."

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, May 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Ross Joseph Simpson, Jr. from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 378, AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS.

H.B. 436, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO ESTABLISH NEW FEES AND INCREASE CERTAIN CURRENT FEES AND AMENDING CERTAIN PROVISIONS UNDER THE ELECTROLYSIS PRACTICE ACT RELATING TO FEES.

H.B. 665, AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS.

H.B. 1053, AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 449, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY.

H.B. 616, AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE CORPORATE LIMITS.

CALENDAR

A bill and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, upon second reading.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, May 30, upon second reading.

H.J.R. 758, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 1005 (Committee Substitute with Amendments), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 11, No. 12 and No. 13 are adopted and engrossed.

Upon motion of Senator Hoyle, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Purcell for the **Health Care Committee**:

H.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE EMERGENCY MEDICAL SERVICES ACT OF 1973, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1668 is adopted and engrossed.

CONFERENCE REPORT

Senator Horton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on H.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING, submit the following report:

The Senate recedes from its amendment #1, and in lieu thereof the bill is amended as follows:

On page 1, line 11, rewrite the line to read:

"(3) ~~Goal completion of program completers and noncompleters,~~ The proportion of those who complete their goal."

The Senate and House of Representatives agree to the same.

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

Date conferees approved report: May 29, 2001.

May 29, 2001

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Hamilton C. Horton, Jr.	S/ Douglas Y. Yongue S/ Donald A. Bonner S/ Gene G. Arnold

The Conference Report is placed on the Calendar for tomorrow, Wednesday, May 30, for adoption.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIAN TRIBES TO ELECT TO MAKE UNEMPLOYMENT PAYMENTS, IN LIEU OF CONTRIBUTIONS, TO REIMBURSE ACTUAL COMPENSATION PAID WITH RESPECT TO EMPLOYEES, AS REQUIRED BY FEDERAL LAW, with a favorable report.

H.B. 235, A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS TO ENTER INTO AGREEMENTS WITH OTHER MUNICIPAL CORPORATIONS OR SANITARY DISTRICTS FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ECONOMIC DEVELOPMENT PLAN, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6726 is adopted and engrossed.

H.B. 899 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO RESISTING, OBSTRUCTING, OR DELAYING A PUBLIC OFFICER IN DISCHARGING OFFICIAL DUTIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7658 is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
May 29, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY

THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE, and requests conferees,

The Speaker appoints:

Representative Cole, Chair
Representative Gibson, and
Representative Buchanan

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

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

H.B. 344, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Upon the appearance of Senator Martin of Pitt in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Harris offers Amendment No. 1 which is adopted (49-0), and changes the title to read **H.B. 344**, A BILL TO BE ENTITLED AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS AND TO THE LATE FILING AND PAYMENT PENALTIES UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The bill, as amended, passes its third reading (48-0) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

The Senate recesses at 1:35 P.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 2:10 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR (*continued*)

H.B. 375 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.

Senator Berger offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading (46-1) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 453 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES.

The Senate Committee Substitute bill passes its third reading (48-0) and is ordered sent

to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Gulley offers a motion that the Senate appoint conferees, which motion prevails.

The Senate recesses at 3:10 P.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 3:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

S.B. 1005 (Committee Substitute with Amendments), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to Committee Substitute bill with Amendments, but favorable as to Committee Substitute bill No. 2, with Amendments.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3861, is adopted and engrossed.

A Committee Substitute and Committee Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, and No. 10 adopted by the Appropriations Committee on May 28, and Committee Amendments No. 11, No. 12, and No. 13 adopted by the Finance Committee on May 29, are engrossed into the Committee Substitute No. 2 as a second edition.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 16 earlier today, and Senator Gulley's motion to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Gulley, Chairman; Senator Ballance; Senator Metcalf; and Senator Moore as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 3:50 P.M. to meet tomorrow, Wednesday, May 30, at 12:00 P.M.

SEVENTY-THIRD DAY

Senate Chamber
Wednesday, May 30, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Lord, at a time when so much attention is focused on the decisions being made in the Senate, we ask that the words of our individual and corporate prayers and how we live out these prayers may be worthy of attention, too. Therefore we pray: 'Give us what we need to live and to serve you faithfully. You don't need to give us all that we desire, for we want far too much for our own good. You don't need to give us everything that our neighbors have, just give us what we need. Teach us the grace of contented living, the joy of using what we do have to your good purpose, the freedom that comes from being released from constant striving for more.' To your glory we pray, Amen."

*A prayer of Will Willimon, Dean of the Chapel, Duke University

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, May 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Timothy Eugene Oaks from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Penny Faulkner from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 1149, AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES, AND TO CLARIFY THE LAW PROHIBITING RETALIATION AGAINST EMPLOYEES WHO REPORT SEXUAL HARASSMENT.

H.B. 1160, AN ACT TO PROVIDE FOR UNIFORM PROVIDER CREDENTIALING BY HEALTH INSURANCE PLANS.

And the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 758, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF

CHARLES CALLOWAY "C.C." ROSS, CIVIC LEADER, BUSINESS OWNER, POLITICIAN, AND EDUCATOR. (Res. 15)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 608, AN ACT TO MODIFY THE HEALTH CERTIFICATE REQUIREMENTS FOR PUBLIC SCHOOL EMPLOYEES. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–118.)

H.B. 723, AN ACT TO REQUIRE ALL MEMBERS OF THE GENERAL ASSEMBLY TO FILE STATEMENTS OF ECONOMIC INTEREST. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–119.)

H.B. 837, AN ACT TO AUTHORIZE CERTAIN BOARDS OF COUNTY COMMISSIONERS TO IMPOSE CIVIL PENALTIES FOR VIOLATIONS OF PUBLIC HEALTH LAWS OR RULES. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–120.)

H.B. 434, AN ACT TO AMEND RULE 9(J) OF THE RULES OF CIVIL PROCEDURE BY CLARIFYING WHICH JUDGE MAY SIGN ORDERS EXTENDING THE STATUTE OF LIMITATIONS IN CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–121.)

H.B. 352, AN ACT TO REPEAL THE EXPIRATION DATE IN THE RISK SHARING PLAN LAW. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–122.)

S.B. 735, AN ACT TO MODIFY THE MEMBERSHIP OF THE EDUCATION CABINET. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–123.)

S.B. 542, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO REVIEW THE NEED FOR ESTABLISHMENT OF A STATEWIDE DATABASE ON THE ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN WHO RECEIVE STATE SERVICES. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–124.)

S.B. 370, AN ACT AMENDING THE JOINT SECURITY FORCE PROVISIONS FOR STATE FACILITIES FOR MENTALLY ILL PERSONS. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–125.)

S.B. 310, AN ACT TO CLARIFY THE LAW GOVERNING ADMINISTRATIVE PROCEEDINGS OF THE SECRETARY OF STATE; TO AUTHORIZE THE SECRETARY OF STATE TO APPOINT A HEARING OFFICER TO CONDUCT HEARINGS ON LICENSING MATTERS; AND TO AUTHORIZE THE SECRETARY OF STATE TO ADOPT UNIFORM NATIONAL SECURITIES REGULATION STANDARDS BY TEMPORARY RULE. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–126.)

S.B. 302, AN ACT ALLOWING THE NORTH CAROLINA MUSEUM OF ART'S REGIONAL CONSERVATION SERVICES PROGRAM TO PERFORM CONSERVATION TREATMENTS ON PRIVATELY OWNED WORKS OF ART. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–127.)

H.B. 446, AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO ENTER COOPERATIVE AGREEMENTS FOR MANAGEMENT OF ABC STORES. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–128.)

H.B. 1285, AN ACT TO PERMIT AN APPLICANT FOR INITIAL TEACHER CERTIFICATION TO TAKE THE APPROPRIATE SPECIALTY AREA TEST OR SUBJECT ASSESSMENT DURING THE APPLICANT'S SECOND YEAR OF TEACHING. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–129.)

H.B. 1143, AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS. (Became law upon approval of the Governor, May 25, 2001-S.L. 2001–130.)

H.B. 667, AN ACT INCREASING THE NUMBER OF COMMISSIONERS FOR THE TOWN OF NEW LONDON, EXTENDING THE TERMS OF OFFICE FOR THE TOWN'S COMMISSIONERS AND MAYOR, AND STAGGERING THOSE TERMS. (Became law upon ratification, May 28, 2001-S.L. 2001–131.)

H.B. 744, AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON STREETS OWNED BY WEST SIDE LANDOWNERS ASSOCIATION, INC., IN MOORE COUNTY. (Became law upon ratification, May 28, 2001 - S.L. 2001–132.)

H.B. 903, AN ACT TO ESTABLISH A SEASON FOR TRAPPING FOXES IN RICHMOND COUNTY. (Became law upon ratification, May 28, 2001-S.L. 2001–133.)

H.B. 929, AN ACT TO RESTORE EXTRATERRITORIAL JURISDICTION AND RELATED POWERS TO THE TOWN OF MINNESOTT BEACH. (Became law upon ratification, May 28, 2001-S.L. 2001–134.)

H.B. 935, AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES. (Became law upon ratification, May 28, 2001-S.L. 2001–135.)

H.B. 449, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE TOWN OF TROY. (Became law upon ratification, May 29, 2001-S.L. 2001–136.)

H.B. 616, AN ACT TO AUTHORIZE THE TOWN OF ATLANTIC BEACH TO ANNEX CERTAIN PROPERTIES CURRENTLY TOTALLY SURROUNDED BY THE CORPORATE LIMITS AND OTHER CERTAIN AREAS WITHIN THE CORPORATE LIMITS. (Became law upon ratification, May 29, 2001-S.L. 2001–137.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

May 30, 2001

By Senator Robinson for the **State and Local Government Committee**:

H.B. 931 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS AND TO REGULATE HUNTING NEAR GOVERNMENT BUILDINGS, with a favorable report.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT TO THE SECRETARY OF STATE CHARITABLE CONTRIBUTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS AND TO APPROPRIATE FUNDS FOR THE PUBLIC INFORMATION PROGRAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1669, which changes the title to read **S.B. 140** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS TO REPORT CHARITABLE CONTRIBUTIONS SOLICITED OR ACCEPTED FOR NAMED INDIVIDUALS OR CAUSES AND TO APPROPRIATE FUNDS FOR THE PUBLIC INFORMATION PROGRAM, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 1045 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND PROHIBITING INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6727 is adopted and engrossed.

By Senator Shaw of Cumberland for the **Transportation Committee**:

H.B. 78, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT GRANDPARENTS MAY ACT AS SUPERVISING DRIVERS FOR DRIVERS HOLDING LIMITED LEARNER'S PERMITS, with a favorable report.

H.B. 114, A BILL TO BE ENTITLED AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY", with a favorable report.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND TO THE GENERAL FUND FOR THREE YEARS AND TO PROVIDE THAT THOSE FUNDS SHALL BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 137 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 31.

S.B. 300 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 31.

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 31.

S.J.R. 853 (House Committee Substitute), A JOINT RESOLUTION ACCEPTING PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE, for concurrence in the House Committee Substitute bill.

Referred to **Agriculture/Environment/Natural Resources Committee**.

S.B. 854 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO CODIFY THESE REMOVALS, TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM, AND TO PROVIDE THAT A TECHNICAL AMENDMENT TO THE STATE CONSTITUTION RELATING TO ACCEPTANCE AND DEDICATION OF PROPERTY INTO THE STATE NATURE AND HISTORIC PRESERVE SHALL BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE NEXT STATEWIDE PRIMARY ELECTION, for concurrence in the House Committee Substitute bill.

Referred to **Agriculture/Environment/Natural Resources Committee**.

S.B. 967 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, May 31.

H.B. 759 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "HARLEY OWNERS' GROUP" SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "FIRST IN FORESTRY" SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

H.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL PLATE FOR U.S. WARTIME MILITARY VETERANS AND FOR VETERANS OF THE ARMED SERVICES.

Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1005 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon second reading.

With unanimous consent, upon motion of Senator Plyler, the Committee Substitute bill No. 2 is taken up as the first order of business.

Senator Ballance offers Amendment No. 1 which is adopted (49-1).

Senator Lee offers Amendment No. 2 which is adopted (50-0).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 35, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—35.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster—15.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow, Thursday, May 31, upon third reading.

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

With unanimous consent, upon motion of Senator Purcell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 4.

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 35, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—35.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster—15.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, May 31, upon third reading.

S.B. 395 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

H.B. 899 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO RESISTING, OBSTRUCTING, OR DELAYING A PUBLIC OFFICER IN DISCHARGING OFFICIAL DUTIES.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 6.

H.B. 235 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS TO ENTER INTO AGREEMENTS WITH OTHER MUNICIPAL CORPORATIONS OR SANITARY DISTRICTS FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ECONOMIC DEVELOPMENT PLAN.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIAN TRIBES TO ELECT TO MAKE UNEMPLOYMENT PAYMENTS, IN LIEU OF CONTRIBUTIONS, TO REIMBURSE ACTUAL COMPENSATION PAID WITH RESPECT TO EMPLOYEES, AS REQUIRED BY FEDERAL LAW.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor.

H.B. 452 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND UPDATE THE EMERGENCY MEDICAL SERVICES ACT OF 1973.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 438 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING, for adoption.

Upon motion of Senator Horton, the Senate adopts the Conference Report (49-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
May 30, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, and requests conferees,

The Speaker appoints:

Representative Alexander, Chair
Representative Church
Representative Michaux
Representative Nesbitt
Representative Starnes, and
Representative Daughtry

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

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
May 30, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information the House has adopted the report of the Conferees on HB 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING.

May 30, 2001

When a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Basnight, seconded by the Appropriations team, the Senate adjourns at 2:45 P.M. to meet tomorrow, Thursday, May 31, at 10:00 A.M.

SEVENTY-FOURTH DAY

Senate Chamber
Thursday, May 31, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, not one of us likes to look into the face of need and walk away without giving help. Yesterday was a difficult day in the Senate. Help us to remember that you transformed water into wine, you transformed one small meal into food sufficient for thousands. Transform the unique gifts given to each of us that we may become healing agents and voices of hope through your extraordinary power in response to the needs of this world. That is not the least we can do, that is, in fact, the best we can do and the place from which we should begin every response. In gratitude we pray, Amen."

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Hartsell and Senator Plyler.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, May 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Barry Seymour Ostrow from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna Shepherd from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 236, AN ACT TO INCREASE THE CAP ON BONDS OUTSTANDING FOR THE HOUSING FINANCE AGENCY FROM $1.5 BILLION TO $3 BILLION.

May 31, 2001

S.B. 258, AN ACT TO REQUIRE RESCISSION OFFERS TO BE FILED WITH THE SECRETARY OF STATE.

S.B. 259, AN ACT TO AMEND THE SECURITIES DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION.

S.B. 311, AN ACT TO AMEND THE PROVISIONS OF THE NORTH CAROLINA HOUSING FINANCE AGENCY ACT TO MAKE TECHNICAL AMENDMENTS AND TO AUTHORIZE THE INVESTMENT OF MONEY HELD BY THE AGENCY IN CERTAIN BONDS.

S.B. 321, AN ACT TO PROVIDE FOR SHARING OF INFORMATION PRODUCED BY, OBTAINED BY, OR DISCLOSED TO THE INSURANCE COMMISSIONER UNDER THE EXAMINATION LAW; AND TO CLARIFY THAT THE EXAMINATION LAW APPLIES TO ALL ENTITIES SUBJECT TO REGULATION BY THE INSURANCE COMMISSIONER.

S.B. 876, AN ACT TO PROVIDE THAT ATTENDANCE AT A DAY REPORTING CENTER BE A LEVEL ONE DISPOSITION FOR DELINQUENT JUVENILES.

H.B. 311, AN ACT TO AUTHORIZE INDIAN TRIBES TO ELECT TO MAKE UNEMPLOYMENT PAYMENTS, IN LIEU OF CONTRIBUTIONS, TO REIMBURSE ACTUAL COMPENSATION PAID WITH RESPECT TO EMPLOYEES, AS REQUIRED BY FEDERAL LAW.

H.B. 438, AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 327, AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WILSON.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 387 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSURE AND DEFINITION OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 931 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE COUNTY TO REGULATE THE USE OF ALCOHOL AND

OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS AND TO REGULATE HUNTING NEAR GOVERNMENT BUILDINGS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 33, noes 14, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—33.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Horton, Moore, Rucho, Shaw of Guilford and Webster—14.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 1005 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon third reading, as amended upon second reading.

Senator Martin of Guilford offers Amendment No. 3 which is adopted (40-7).

Senator Purcell offers Amendment No. 4 which is adopted (47-0).

Senator Lee offers Amendment No. 5 which is adopted (46-0).

Senator Kerr offers Amendment No. 6 which is adopted (42-5).

Upon the appearance of Senator Hartsell in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The Committee Substitute No. 2 bill, as amended, passes its third reading, by roll-call vote, ayes 33, noes 15, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Cunningham, Dalton, Dannelly, Garrou, Gulley, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—33.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford and Webster—15.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives by special message.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Dalton for the **Education/Higher Education Committee**:

H.B. 431 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH-DEMAND OCCUPATIONS, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7659, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 78, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT GRANDPARENTS MAY ACT AS SUPERVISING DRIVERS FOR DRIVERS HOLDING LIMITED LEARNER'S PERMITS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 114, A BILL TO BE ENTITLED AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY".

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1045 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND PROHIBITING INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 137 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate fails to concur in the House Committee Substitute bill, upon second reading, by roll-call vote, ayes 0, noes 48, as follows:

Voting in the affirmative: None.

Voting in the negative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller,

Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Senator Ballance offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 967 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill upon its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, June 4, for concurrence, upon third reading.

S.B. 300 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 14.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 7 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND BY ADDING THE ATTORNEY GENERAL TO THE STATE ADVISORY COUNCIL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 4.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES, for concurrence in House Amendment No. 1.

The bill is placed on the Calendar for Monday, June 4.

S.B. 299 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute is placed on the Calendar for Monday, June 4.

S.B. 318 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS ON LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS, AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 4.

S.B. 397 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 4.

S.B. 1056 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 4.

H.B. 1324 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND DEFINITIONS APPLYING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM IN ORDER TO COMPLY WITH RECENT UNITED STATES DEPARTMENT OF LABOR REGULATIONS REQUIRING THAT CERTAIN VISA HOLDERS BE OFFERED RETIREMENT BENEFITS AND ELIGIBILITY FOR RETIREMENT BENEFITS ON THE SAME BASIS AS UNITED STATES CITIZENS.

Referred to **Pensions & Retirement and Aging Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 137 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill earlier today and a motion by Senator Ballance to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Ballance, Chairman and Senator Bingham and Senator Jordan as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of Such action.

Upon motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 11:14 P.M. to meet Monday, June 4, at 6:45 P.M.

May 31, 2001

SEVENTY-FIFTH DAY

Senate Chamber
Monday, June 4, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"The tough decisions that must be made each week in the Senate, O God, could be more easily decided if the Senators were able to view the landscape from a mountaintop! The reality is that we live most of our lives on the road between the valley and that mountaintop, where we must make choices of direction with a great deal of uncertainty. We just can't see around the next curve.

"And out of our need for guidance we call out in faith and you are with us -- not always high and lifted up where Moses found you, but as the prophet Isaiah said, "Bringing low the mountains and making the crooked places straight."

"Praise be to you, O God, for that encouragement. Bring low some mountains and straighten out some highways this week in the Senate.

"We also ask that you be a source of strength and comfort to Senator Clodfelter and family in the death of his father. To your glory we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Basnight, Senator Hoyle and Senator Moore.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, May 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Ana Cristina Goncalves Felix from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 277, AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT.

S.B. 300, AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION.

H.B. 78, AN ACT TO PROVIDE THAT GRANDPARENTS MAY ACT AS SUPERVISING DRIVERS FOR DRIVERS HOLDING LIMITED LEARNER'S PERMITS.

H.B. 114, AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY".

H.B. 620, AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL.

H.B. 1341, AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 105, AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES.

H.B. 800, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

H.B. 891, AN ACT TO REGULATE SPOTLIGHTING OF DEER IN WAKE COUNTY.

H.B. 931, AN ACT TO AUTHORIZE ORANGE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS AND TO REGULATE HUNTING NEAR GOVERNMENT BUILDINGS.

S.J.R. 1101, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JAMES YANCEY KERR, II AND MICHAEL SATTERFIELD WILKINS TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION AND THE APPOINTMENT OF ROBERT P. GRUBER AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION. (Res. 16)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 67, AN ACT TO ALLOW THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO CHANGE THE NAME OF THAT COMMITTEE ACCORDINGLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-138.)

S.B. 162, AN ACT TO AMEND VARIOUS PROPERTY TAX LAWS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-139.)

S.B. 431, AN ACT TO ADJUST THE VALUE THRESHOLDS OF LIMITED AND INTERMEDIATE LICENSES FOR INFLATION UNDER THE LAWS REGULATING GENERAL CONTRACTORS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-140.)

S.B. 1036, AN ACT TO CLARIFY THAT THE STATE BUILDING CODE COUNCIL IS SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-141.)

S.B. 1070, AN ACT ESTABLISHING A DISPUTE RESOLUTION PROCEDURE TO ASSIST THE OFFICE OF INFORMATION TECHNOLOGY IN THE COLLECTION OF FEES RELATED TO INFORMATION TECHNOLOGY SERVICES PROVIDED BY THE OFFICE. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-142.)

H.B. 262, AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR INTERMENT IN A STATE VETERANS CEMETERY. (Became Law upon approval of the Governor, May 31, 2001–S.L. 2001 - 143.)

S.B. 264, AN ACT TO REQUIRE STATE REPORTS TO BE PRINTED ON BOTH SIDES OF THE PAPER. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-144.)

S.B. 380, AN ACT RELATING TO THE NAMING OF ROADS AND THE ASSIGNMENT OF STREET NUMBERS BY COUNTIES. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-145.)

S.B. 803, AN ACT TO DIRECT THE STATE UNIVERSITY SYSTEM, THE COMMUNITY COLLEGES SYSTEM, AND THE DEPARTMENT OF PUBLIC INSTRUCTION TO WORK COOPERATIVELY TO EXPAND OPPORTUNITIES FOR MILITARY PERSONNEL TO TAKE TEACHER EDUCATION CLASSES PRIOR TO DISCHARGE FROM THE MILITARY. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-146.)

S.B. 942, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO COUNTIES FOR USE IN PROGRAMS OF PROVIDING DONATED MOTOR VEHICLES TO LOW-INCOME PERSONS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-147.)

S.B. 1004, AN ACT TO AMEND THE LAW REGARDING INTERFERENCE WITH EMERGENCY COMMUNICATIONS AND TO INCREASE THE CRIMINAL PENALTY FOR THAT OFFENSE. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-148.)

S.B. 274, AN ACT TO REPEAL AN OBSOLETE PROVISION IN THE NORTH CAROLINA SECURITIES ACT. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-149.)

S.B. 499, AN ACT TO AMEND THE LAWS RELATING TO ADOPTION. (Became

law upon approval of the Governor, May 31, 2001–S.L. 2001-150.)

S.B. 708, AN ACT TO ELIMINATE UNNECESSARY AND DUPLICATIVE PAPERWORK IN THE PUBLIC SCHOOLS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-151.)

S.B. 739, AN ACT TO EXTEND PRIVILEGED COMMUNICATIONS PROTECTION IN DOMESTIC ACTIONS TO LICENSED PSYCHOLOGICAL ASSOCIATES, LICENSED CLINICAL SOCIAL WORKERS, AND LICENSED MARRIAGE AND FAMILY THERAPISTS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-152.)

S.B. 749, AN ACT TO MAKE TECHNICAL CHANGES TO THE NURSING HOME ADMINISTRATOR ACT. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-153.)

H.B. 700, AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-154.)

H.B. 857, AN ACT TO CLARIFY THAT AN AREA MENTAL HEALTH AUTHORITY THAT HAS ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA BANK. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-155.)

H.B. 875, AN ACT DIRECTING THE WILDLIFE RESOURCES COMMISSION TO ASSIST THE TOWN OF BILTMORE FOREST IN REDUCING ITS DEER POPULATION TO A MANAGEABLE LEVEL. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-156.)

H.B. 958, AN ACT TO REQUIRE COST REPORTS SPECIFIC TO ADULT CARE HOME SPECIAL CARE UNITS AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A DESIGNATED REIMBURSEMENT SYSTEM FOR RESIDENTS IN SPECIAL CARE UNITS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-157.)

H.B. 1083, AN ACT TO ALLOW THE COURT TO ORDER SECURE CUSTODY OF A JUVENILE PENDING AN ADJUDICATORY PROCEEDING IF THE JUVENILE ALLEGEDLY COMMITTED A MISDEMEANOR OFFENSE INVOLVING A WEAPON. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-158.)

S.B. 396, AN ACT AUTHORIZING THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS TO ACQUIRE REAL PROPERTY, TO ESTABLISH A SYSTEM OF STAGGERED LICENSE RENEWAL, AND TO INCREASE FEES. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-159.)

S.B. 434, AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS. (Became law upon approval of the Governor, May 31, 2001–S.L. 2001-160.)

S.B. 327, AN ACT TO REMOVE CERTAIN PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF WILSON. (Became law upon ratification, May 31, 2001–S.L. 2001-161.)

RECOGNITION OF NATIONAL COMMANDER OF THE AMERICAN LEGION

With unanimous consent, upon motion of Senator Harris, the privileges of the floor are extended to Mr. Ray G. Smith, National Commander of the American Legion. Senator Harris, Chair; Senator Albertson; Senator Dannelly; Senator Forrester; Senator Garwood; Senator Soles; Senator Warren; Senator Wellons; and Senator Weinstein are appointed to escort Mr. Smith to the Well of the Senate.

Senator Harris introduces Mr. Smith and after brief comments from Mr. Smith, the Deputy President *Pro Tempore* recognizes the Committee to escort Mr. Smith from the Well of the Senate, who departs to a standing ovation.

The Deputy President *Pro Tempore* extends courtesies of the gallery to the following family and friends of Mr. Smith: Helen Smith, wife of Commander Smith; Eric Sinclair, State Vice Commander; Shirley Sinclair, State Auxiliary Chaplain; David Ivey, Commander of American Legion Post 59; other members of American Legion Posts; and Don Johnson, Mayor of Benson.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 202 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 5.

S.B. 432 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS AND THE STATE OF NORTH CAROLINA TO JOIN CERTAIN WATER AND SEWER AUTHORITIES AND CONCERNING THE RIGHT OF SUBSEQUENTLY JOINING MUNICIPALITIES TO HAVE VOTING MEMBERSHIP, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 5.

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 5.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
May 31, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, and requests conferees,

The Speaker appoints:

Representative Michaux, Chair;
Representative Goodwin, and
Representative Kiser

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

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 397 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Ballance, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 5.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES, for concurrence in House Amendment No. 1.

With unanimous consent, upon motion of Senator Kerr, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, June 5.

H.B. 387 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LICENSURE AND DEFINITION OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 431 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH DEMAND OCCUPATIONS.

The Senate Committee Substitute bill No. 2 passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 967 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill upon its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate concurs in the House Committee Substitute bill (46-0) on its third reading and the measure is ordered enrolled and sent to the Governor.

S.B. 7 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND BY ADDING THE ATTORNEY GENERAL TO THE STATE ADVISORY COUNCIL, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 299 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 318 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS ON LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS,

AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1056 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Robinson for the **State and Local Government Committee**:

H.B. 910 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CARY, GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA AND SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8225, which changes the title to read **H.B. 910** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM AND THE TOWNS OF CARY, GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA, AND SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS, is adopted and engrossed.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Christopher Dwight Adams, Clayton; Sarah Hill Barrington, Lumberton; Caroline Leigh Batchelor, Charlotte; Christine E. Bethel, Fuquay-Varina; Fran W. Bullock III, Greensboro; Frank Daniels IV, Raleigh; Megan M. Dodson, Lake Waccamaw; Bethanie Forbes, Camden; B. Fletcher Fortune III, Greensboro; John David Gignac, Kernersville; Wendy M. Griffin, Camden; Katherine Harris, Candor; Jennifer Mandeville, Raleigh; Edward McKim, Raleigh; George W. Paschal IV, Raleigh; Charlotte Fleming Powell, Raleigh; Michael Clay Richardson II, Winston-Salem; Mary Brooke Rogers, Dunn; Jenna Leigh Schubart, Colleyville, Texas; Charles T. Tennyson, Chapel Hill; and Maya Chenille Thompson, Fairmont.

Upon motion of Senator Ballance, seconded by Senator Dalton, the Senate adjourns at 7:33 P.M. to meet tomorrow, Tuesday, June 5, at 3:00 P.M.

June 4, 2001

SEVENTY-SIXTH DAY

Senate Chamber
Tuesday, June 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, though during this particular legislative session one might find justification, we confess that many times our prayers have been more like a shopping list of wants of can't haves than conversations grounded in commitment. May our faith not be confined to this time and this place but let it be woven into the fabric of our lives. Then we may turn over all our frustrations to you with the assurance that when we ask you will give, when we seek there will be answers, when we knock the door shall be opened unto us. Thank you, O God. Amen."

The Chair grants leaves of absence for today to Senator Hartsell and Senator Plyler.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Wesley Bradford Robinson from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Shelia Northen from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 7, AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND BY ADDING THE ATTORNEY GENERAL TO THE STATE ADVISORY COUNCIL.

S.B. 299, AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

S.B. 318, AN ACT TO REVISE THE LAWS ON LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS, AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

S.B. 967, AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW.

S.B. 1056, AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES.

H.B. 344, AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS AND TO THE LATE FILING AND PAYMENT PENALTIES UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

H.B. 375, AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE.

H.B. 387, AN ACT TO CLARIFY THE LICENSURE AND DEFINITION OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS.

H.B. 453, AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES.

H.B. 938, AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 105, AN ACT TO AUTHORIZE BUNCOMBE COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE PURPOSES FOR WHICH THE ROOM TAX MAY BE USED, AND TO MAKE CONFORMING CHANGES. (Became law upon ratification, June 4, 2001–S.L. 2001-162.)

H.B. 800, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. (Became law upon ratification, June 4, 2001–S.L. 2001-163.)

H.B. 891, AN ACT TO REGULATE SPOTLIGHTING OF DEER IN WAKE COUNTY. (Became law upon ratification, June 4, 2001–S.L. 2001-164.)

H.B. 931, AN ACT TO AUTHORIZE ORANGE COUNTY TO REGULATE THE USE OF ALCOHOL AND OTHER IMPAIRING SUBSTANCES WHILE HUNTING WITH FIREARMS AND TO REGULATE HUNTING NEAR GOVERNMENT BUILDINGS. (Became law upon ratification, June 4, 2001–S.L. 2001-165.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the

reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 377 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3848 is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 350, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM, with a favorable report.

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, with a favorable report.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute No. 2 bill is re-referred to the **Finance Committee**.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE SAVINGS INSTITUTIONS DIVISION TO THE STATE BANKING COMMISSIONER; TO AUTHORIZE ADDITIONAL DEPUTY COMMISSIONERS; TO MERGE THE SAVINGS INSTITUTIONS COMMISSION WITH THE STATE BANKING COMMISSION; TO REQUIRE THE COMMISSIONER TO REPORT TO THE GENERAL ASSEMBLY; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES, with a favorable report.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS, with a favorable report.

With unanimous consent, upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.J.R. 853 (House Committee Substitute), A JOINT RESOLUTION ACCEPTING

PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE, with a favorable report as to concurrence.

S.B. 854 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO CODIFY THESE REMOVALS, TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM, AND TO PROVIDE THAT A TECHNICAL AMENDMENT TO THE STATE CONSTITUTION RELATING TO ACCEPTANCE AND DEDICATION OF PROPERTY INTO THE STATE NATURE AND HISTORIC PRESERVE SHALL BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE NEXT STATEWIDE PRIMARY ELECTION, with a favorable report as to concurrence.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 342 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 6.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 910 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM AND THE TOWNS OF CARY, GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA, AND SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Committee Substitute.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 202 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE

FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 397 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 432 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS AND THE STATE OF NORTH CAROLINA TO JOIN CERTAIN WATER AND SEWER AUTHORITIES AND CONCERNING THE RIGHT OF SUBSEQUENTLY JOINING MUNICIPALITIES TO HAVE VOTING MEMBERSHIP, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

Upon motion of Senator Basnight, seconded by Senator Carter, the Senate adjourns at 3:27 P.M. to meet tomorrow, Wednesday, June 6, at 2:00 P.M.

SEVENTY-SEVENTH DAY

Senate Chamber
Wednesday, June 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, may I humbly but candidly ask why you give some people an attitude which experiences every event in life as a catastrophe. Forgive me when I call them 'catastrophizers'. Their voice level rises, their mannerisms become frantic, chaos sets in all because they didn't get their favorite parking space - castastrophe. The air-conditioning is at 74, not 72 - catastrophe. The tissue in the restroom is industrial ply, not Charmin - catastrophe.

"Maybe the Senate family has to deal with castrophizers everyday, too. God bless them. I guess it just goes to prove that it is easy to live at peace with those who are like-minded and like-spirited, but to live at peace with those who are different is a great grace and commendable achievement. Help us to that end. Amen."

The Chair grants leaves of absence for today to Senator Garwood, Senator Purcell, and Senator Rand.

Senator Basnight, President Pro Tempore, announces that the Journal of yesterday, Tuesday, June 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Anthony Clark Gaither from Goldsboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna Mooney from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 91, AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES.

S.B. 202, AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

S.B. 220, AN ACT TO AMEND THE LAW DEFINING THE TIME STOCK AND OTHER EQUITY INTERESTS IN BUSINESS ASSOCIATIONS ARE PRESUMED ABANDONED FOR PURPOSES OF THE NORTH CAROLINA UNCLAIMED PROPERTY ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 275, AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN.

S.B. 397, AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS.

S.B. 432, AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS AND THE STATE OF NORTH CAROLINA TO JOIN CERTAIN WATER AND SEWER AUTHORITIES AND CONCERNING THE RIGHT OF SUBSEQUENTLY JOINING MUNICIPALITIES TO HAVE VOTING MEMBERSHIP.

S.B. 459, AN ACT TO AMEND NORTH CAROLINA'S INSURANCE LAWS CONCERNING INSURANCE COMPANY RESERVING METHODS, LICENSING PROVISIONS, REINSURANCE FOR DOMESTIC COMPANIES, DOMESTIC COMPANY FORMATION, SOLVENCY PROTECTION, LIFE INSURANCE COMPANY VARIABLE ACCOUNTS, CONSOLIDATIONS, INVESTMENTS, MUTUAL INSURANCE COMPANIES, REINSURANCE INTERMEDIARIES, MORTGAGE GUARANTY INSURANCE, RISK-BASED CAPITAL REQUIREMENTS, ASSET PROTECTION, FOREIGN INSURANCE COMPANIES, PROMOTING AND HOLDING COMPANIES, HOLDING COMPANY SYSTEMS, SURPLUS LINES INSURANCE, RISK RETENTION GROUPS, INSURANCE COMPANY RECEIVERSHIPS, MANAGING GENERAL AGENTS, SELF-INSURED WORKERS' COMPENSATION, AND CONTINUING CARE RETIREMENT COMMUNITIES; AND TO ALLOW NORTH CAROLINA DOMESTIC INSURANCE COMPANIES TO FORM PROTECTED CELLS TO ACCESS ALTERNATIVE SOURCES OF CAPITAL AND ACHIEVE THE BENEFITS OF SECURITIZATION.

S.B. 801, AN ACT TO STREAMLINE THE FIREMEN REPORTING REQUIREMENTS.

S.B. 825, AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT ACT.

H.B. 235, AN ACT TO ALLOW SANITARY DISTRICTS TO ENTER INTO AGREEMENTS WITH OTHER MUNICIPAL CORPORATIONS OR SANITARY DISTRICTS FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ECONOMIC DEVELOPMENT PLAN.

H.B. 452, AN ACT TO REVISE AND UPDATE THE EMERGENCY MEDICAL SERVICES ACT OF 1973.

CALENDAR

Bills and a resolution on today’s Calendar are taken up and disposed of, as follows:

H.B. 377 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 7.

H.B. 899 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW WITH REGARD TO RESISTING, OBSTRUCTING, OR DELAYING A PUBLIC OFFICER IN DISCHARGING OFFICIAL DUTIES.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

A report is submitted by Senator Lucas for the **Education/Higher Education Committee**:

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH 27603

June 6, 2001

The Honorable Beverly Perdue
Lieutenant Governor
2104 Legislative Building
116 West Jones Street
Raleigh, NC 27603

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, North Carolina 27601

Dear Madame and Sir:

The Senate Education/Higher Education Committee has reviewed the credentials of the Governor's appointments to the State Board of Education, as made pursuant to General Statute 115C-10. The Senate Education/Higher Education Committee finds that Ms. Patricia N. Willoughby, Dr. Michelle Howard-Vital and Mr. Wayne McDevitt are all well qualified to be members of the State Board of Education. Consequently, the Committee recommends that the Senate and the General Assembly confirm these appointments.

Sincerely,

S/ Jeanne Lucas	S/ Walter Dalton	S/ Charles Carter
Co-Chair	Senior Co-Chair	Co-Chair

Senate Education/Higher Education Committee

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7661, which changes the title to read **H.B. 722** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE

BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE, is adopted and engrossed.

H.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE SECRETARY OF ADMINISTRATION AND STATE AGENCIES TO ADD A PERCENT INCREASE TO BIDS OF NONRESIDENT BIDDERS WHERE THE NONRESIDENT BIDDERS' HOME STATES GRANT PREFERENCES TO IN-STATE BIDDERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3862 is adopted and engrossed.

By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 1246 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8654, which changes the title to read **H.B. 1246** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, is adopted and engrossed.

Senator Dalton offers a motion that the rules be suspended to the end that the Senate Committee Substitute bill be brought before the Senate and placed at the end of today's Calendar, which motion prevails, with unanimous consent.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 357, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNTS OF LIABILITY INSURANCE THAT MAY BE CEDED TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY TO FACILITATE THE PURCHASE OF EXCESS OR UMBRELLA COVERAGE BY MOTOR VEHICLE OWNERS AND TO CLARIFY OTHER LAWS RELATING TO UMBRELLA INSURANCE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8651 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 998, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNDER STATE

LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7660 is adopted and engrossed.

CALENDAR (*continued*)

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM.

With unanimous consent, upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 350, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE SAVINGS INSTITUTIONS DIVISION TO THE STATE BANKING COMMISSIONER; TO AUTHORIZE ADDITIONAL DEPUTY COMMISSIONERS; TO MERGE THE SAVINGS INSTITUTIONS COMMISSION WITH THE STATE BANKING COMMISSION; TO REQUIRE THE COMMISSIONER TO REPORT TO THE GENERAL ASSEMBLY; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 342 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.J.R. 853 (House Committee Substitute), A JOINT RESOLUTION ACCEPTING PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill on its second reading by a three-fifths majority vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas,

Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate concurs in the House Committee Substitute bill on its third reading by a three-fifths majority vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 854 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO CODIFY THESE REMOVALS, TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM, AND TO PROVIDE THAT A TECHNICAL AMENDMENT TO THE STATE CONSTITUTION RELATING TO ACCEPTANCE AND DEDICATION OF PROPERTY INTO THE STATE NATURE AND HISTORIC PRESERVE SHALL BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE NEXT STATEWIDE PRIMARY ELECTION, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill on its second reading, by a three-fifths majority vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate concurs in the House Committee Substitute bill on its third reading, by a three-fifths majority vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Metcalf, Miller, Moore, Odom, Plyler, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, placed earlier on today's Calendar.

Senator Webster offers Amendment No. 1 which fails of adoption (10-36).

Senator Dalton calls the previous question, seconded by Senator Gulley. The call is sustained (33-14).

The Senate Committee Substitute passes its second reading (46-1).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, June 7, upon third reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 257 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AND TO MAKE CLARIFYING CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 7.

S.B. 466 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 7.

S.B. 937 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 7.

H.B. 969 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE AMBIENT AIR QUALITY IMPROVEMENT ACT OF 1999, AS AMENDED BY S.L. 2000-134, BY INCREASING THE FEES CHARGED FOR MOTOR VEHICLE EMISSIONS AND SAFETY INSPECTIONS, AND TO MAKE OTHER AMENDMENTS TO THE LAWS GOVERNING MOTOR VEHICLE SAFETY AND EMISSIONS INSPECTIONS.

Referred to **Finance Committee**.

H.B. 1389, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL FORCES ASSOCIATION SPECIAL REGISTRATION PLATE.

Referred to **Finance Committee**.

The Chair grants a leave of absence for the remainder of today's session to Senator Reeves.

WITHDRAWAL FROM COMMITTEE

H.B. 106 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, referred to the **Education/Higher Education Committee** on April 25.

Pursuant to Rule 47(a), Senator Dalton offers a motion that the Committee Substitute bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 6, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the message that pursuant to HJR 1161, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **H.J.R. 1161** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

The Chair grants leaves of absence for the remainder of today's session to Senator Carrington and Senator Webster.

Senator Basnight offers a motion in accordance with HJR 1161, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education, and further moves that, upon dissolution of the Joint Session, the Senate stand adjourned to reconvene Thursday, June 7, at 10:00 A.M., which motions prevail.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

June 6, 2001

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives. Speaker Black calls the Joint Session to order.

The roll of the House of Representatives is called electronically and the following members answer the call:

Speaker, Representatives Adams, Alexander, Allen, Baddour, Baker, Barbee, Blue, Bonner, Bowie, Boyd-McIntyre, Brubaker, Buchanan, Capps, Clary, Cole, Cox, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Eddins, Esposito, Fitch, Fox, Gillespie, Grady, Gray, Gulley, Hackney, Hensley, Hiatt, Holmes, Insko, Jeffus, Justus, Kiser, Luebke, McComas, McCombs, McMahan, Michaux, Miller, Miner, Morgan, Morris, Nye, Oldham, Owens, Pope, Rayfield, Rogers, Setzer, Sexton, Sherrill, Shubert, Starnes, Thompson, Tolson, Tucker, Underhill, Walend, Warner, Warwick, Weiss, Wilson, G.

The Speaker of the House directs the Reading Clerk of the Senate to call the roll of the Senate and the following members answer the call:

Senators Albertson, Ballance, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Gulley, Hagan, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Odom, Plyler, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons.

The Speaker of the House declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it convened, the confirmation of the appointments by the Governor of members to the State Board of Education as outlined in H.J.R. 1161. The Speaker places before the House **H.J.R. 990** (Committee Substitute No. 2), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF MICHELLE HOWARD-VITAL, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, and he further directs the House Reading Clerk to read the resolution.

The House of Representatives passes the Committee Substitute No. 2 joint resolution on its second reading (115-2).

Without objection, the joint resolution remains before the House of Representatives for further consideration upon third reading. The Committee Substitute No. 2 joint resolution passes its third reading and is ordered sent to the Senate by special message.

The Speaker of the House relinquishes the gavel to the President of the Senate, Lieutenant Governor Beverly E. Perdue, who presides and calls the Senate to order.

The President calls for messages from the House of Representatives and directs the Reading Clerk of the Senate to read as follows:

H.J.R. 990 (Committee Substitute No. 2), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MICHELLE HOWARD-VITAL, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Senator Dalton, Senior Chair of the Education/Higher Education, offers a motion that the rules be suspended and that the Committee Substitute No. 2 joint resolution be placed before the Senate for immediate consideration, which motion prevails. Senator Dalton is recognized and speaks to the passage of the Committee Substitute No. 2 joint resolution.

The Senate passes the Committee Substitute No. 2 joint resolution on its second reading (39-0).

(Senator Harris and Senator Kerr appear in the Chamber after the quorum call.)

Without objection, the Committee Substitute joint resolution remains before the Senate for further consideration upon third reading. The Committee Substitute joint resolution passes its third reading and is ordered enrolled.

The President of the Senate calls for the ratification of the Committee Substitute Joint Resolution.

H.J.R. 990, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF MICHELLE HOWARD-VITAL, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION (Res. 17) is presented to the President of the Senate and the Speaker of the House of Representatives, whereupon they affix their signatures.

The Speaker of the House announces that the Senate and House of Representatives, sitting in Joint Session, confirm Governor Easley's appointments of Michelle Howard-Vital, Wayne McDevitt, and Patricia Willoughby, to the State Board of Education and orders the Governor notified pursuant to G.S. 143-47.7 of the action of the General Assembly taken on this date.

Upon motion of Senator Basnight, seconded by Senator Carter, the Joint Session is dissolved, and pursuant to the motion prevailing earlier, the Senate adjourns at 3:25 P.M. to reconvene tomorrow, Thursday, June 7, at 10:00 A.M.

SEVENTY-EIGHTH DAY

Senate Chamber
Thursday, June 7, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we are grateful for the things that have been accomplished this week in the Senate. We're also thankful for the progress Senator Plyler's granddaughter is making after her accident and serious surgery. Continue to be with her during her rehabilitation. As the session continues, keep us receptive to new thoughts and unafraid of some new ideas. We do not want to live with shades pulled down over our minds. Finally, remind us that we do not live in two worlds, though we spend much time here in Raleigh and at home. But give us a continuity between our work in the Senate and our personal spiritual journeys, authenticating your presence so that we live out our lives congruently between those two worlds and to your glory. Amen."

The Chair grants leaves of absence for today to Senator Garwood, Senator Hagan, Senator Hoyle and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Coy Turner from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sarah Clark from High Point, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 342, AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS.

S.B. 829, AN ACT TO CLARIFY TREATMENT OF CERTAIN SECURITY INTERESTS CREATED BY THE STATE OR GOVERNMENTAL UNITS OF THE STATE UNDER ARTICLE 9 OF THE NORTH CAROLINA UNIFORM COMMERCIAL CODE.

S.B. 854, AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO CODIFY THESE REMOVALS, TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM, AND TO PROVIDE THAT A TECHNICAL AMENDMENT TO THE STATE CONSTITUTION RELATING TO ACCEPTANCE AND DEDICATION OF PROPERTY INTO THE STATE NATURE AND HISTORIC PRESERVE SHALL BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE NEXT STATEWIDE PRIMARY ELECTION.

H.B. 350, AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

H.B. 803, AN ACT TO TRANSFER THE SAVINGS INSTITUTIONS DIVISION TO THE STATE BANKING COMMISSIONER; TO AUTHORIZE ADDITIONAL DEPUTY COMMISSIONERS; TO MERGE THE SAVINGS INSTITUTIONS COMMISSION WITH THE STATE BANKING COMMISSION; TO REQUIRE THE COMMISSIONER TO REPORT TO THE GENERAL ASSEMBLY; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES.

H.B. 1045, AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT

AND PROHIBITING INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.

And the following bills and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 533, AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES.

S.B. 584, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL.

S.J.R. 853, A JOINT RESOLUTION ACCEPTING PROPERTIES OWNED BY THE STATE OF NORTH CAROLINA FOR INCLUSION IN THE STATE NATURE AND HISTORIC PRESERVE. (Res. 18)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 123 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute is ordered placed on the Calendar for Monday, June 11.

H.B. 1397 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF PROCESS.

Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 3 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE SECRETARY OF ADMINISTRATION AND STATE AGENCIES TO ADD A PERCENT INCREASE TO BIDS OF NONRESIDENT BIDDERS WHERE THE NONRESIDENT BIDDERS' HOME STATES GRANT PREFERENCES TO IN-STATE BIDDERS.

The Senate Committee Substitute bill passes its second (41-1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNTS OF LIABILITY INSURANCE THAT MAY BE CEDED TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY TO FACILITATE THE PURCHASE OF EXCESS OR UMBRELLA COVERAGE BY MOTOR VEHICLE OWNERS AND TO CLARIFY OTHER LAWS RELATING TO UMBRELLA INSURANCE.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 377 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

H.B. 722 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 998 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE UNDER STATE LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED.

With unanimous consent, upon motion of Senator Miller, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 12.

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 257 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AND TO MAKE CLARIFYING CHANGES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 466 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 937 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-1) and the measure is ordered enrolled and sent to the Governor.

H.B. 377 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second (43-2) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Chair grants a leave of absence for the remainder of today's session to Senator Carter.

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Gulley, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 12.

CONFERENCE REPORT

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 666 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

June 7, 2001

The conferees appointed to resolve the differences between the Senate and the House of Representatives on S.B. 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE, House Committee Substitute Favorable 5/16/01, submit the following report:

The Senate and House of Representatives agree to the following amendment to the House Committee Substitute Favorable 5/16/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 5/16/01 and substitute the attached Proposed Conference Committee Substitute S666-CCSRW-001.

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

Date conferees approved report: May 30, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Aaron Plyler	S/ Nelson Cole
S/ William R. Purcell	S/ Pryor Gibson
	S/ Charles Buchanan

The text of the attached Proposed Conference Committee Substitute S666-CCSRW-001 is as follows:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE.

The General Assembly of North Carolina enacts:

SECTION 1. The City of Monroe may acquire by purchase or exchange the following described property in Union County, North Carolina, and may convey the property, with or without monetary consideration, under the terms and conditions it deems proper, to Union County for the purpose of constructing a courthouse thereon:

TRACT 1

BEGINNING at an iron in the South margin of the sidewalk along West Franklin Street, said point being located N 89-45 W. 129 feet from the Southwest intersection of Franklin Street and Stewart Street; and running thence S 0-15 W 180 feet to an iron in the North margin of Morgan Street; thence with the North margin of Morgan Street N. 89-45 W 115 feet to an iron, a new corner of said street; thence a new division line N 9-15 E 180 feet to an iron, a new corner on the South margin of the sidewalk along the South side of Franklin Street; thence with the South edge of said sidewalk S 89-45 E 115 feet to the beginning point and being all of Tract 1 described in Book 1310, page 35 Union County Registry.

TRACT 2

BEGINNING at an iron in the South margin of West Franklin Street on the old corporation limits line of the City of Monroe, being the Northeast corner of the lot now or

formerly owned by R. Phifer (or J. M. Wiggins), and running thence along the South margin of said Franklin Street, N 88 E 80 feet, to an iron, a new corner; thence a new division line S 1 E 187 feet to an iron, a new corner on the North margin of Morgan Street; thence along the North margin of said Morgan Street S 88 W 80 feet to an iron in the old corporation limits line of the City of Monroe, and on the Southeast corner of the lot now or formerly owned by R. Phifer (or J. M. Wiggins); thence along and with said Phifer or Wiggins property line, being said "old corporation limits line," N 1 W 187 feet to the beginning corner. BEING the same property conveyed to Estate of A. F. Stevens by Franklin Street Realty Company of Monroe, North Carolina, Incorporated, by deed dated October 2, 1974, and recorded in Deed Book 269 at page 628 in the Office of the Register of Deeds of Union County, North Carolina and being all of Tract 2 described in Book 1310 page 35 Union County Registry.

TRACT 3

BEGINNING at an iron in the South margin of the South sidewalk along West Franklin Street, said point being located North 89 degrees 45 minutes West 104 feet from the Southwest intersection of Franklin Street and Stewart Street and running thence South 0 degrees 15 minutes West 180 feet to an iron in the North margin of Morgan Street; thence with the North margin of Morgan Street North 89 degrees 45 minutes West 25.5 feet to an iron, a new corner on the North margin of said street; thence a new division line North 0 degrees 15 minutes East 180 feet to an iron, a new corner on the South margin of the sidewalk along the South side of Franklin Street; thence with the South edge of the said sidewalk South 89 degrees 45 minutes East 25.5 feet to the Beginning point and being the property described in Deed Book 381, page 872 of Union County Registry.

TRACT 4

BEGINNING at an iron at the Northwest intersection of the intersections of Morgan Street and Stewart Street said iron being on the Western margin of the Stewart Street right-of-way and the Northern margin of the Morgan Street right-of-way and running thence with the right-of-way of Morgan Street S88-29-44 W 99.78 feet to an iron behind curb and retaining wall; thence with the concrete retaining wall and the line of the Lewis R. Fisher property, N1-10-01 W 180.13 feet to a point on the outside of the building line with the building corner being 1.33 feet beyond said point; Running thence with Franklin Street N 88-29-44 E 100.0 feet to an iron set behind a 4 foot sidewalk; the margin of the Stewart Street Right-of-Way; thence with the sidewalk and the Stewart Street Right-of-Way S1-05-54 E 180.13 feet to the point and place of the beginning and containing 17,994 square feet all according to a boundary survey by Carroll L. Rushing, N.C.R.L.S. dated September 4, 1984, and being the same property described in Deed Book 465, page 767 of Union County Registry.

SECTION 2. In acquiring the property described in Section 1 of this act, the City of Monroe shall have the right of eminent domain for public condemnors as provided in Article 3 of Chapter 40A of the General Statutes. With respect to the vesting of title and right of possession, the provisions of G.S. 40A-42(a) shall apply.

SECTION 3. The City of Monroe may convey the following described property in Union County, North Carolina, with or without monetary consideration, under the terms and conditions it deems proper, to Union County for the purpose of constructing a courthouse thereon:

All of that parcel of land in the City of Monroe bounded on the North by Crowell Street and City Hall, on the East by Stewart Street, on the South by Jefferson Street, and on the West by Charlotte Avenue, and being the same property described in instruments filed in the Union County Register of Deeds Office in Book 212, page 28; Book 211, page 390; Book 278, page 329; Book 283, page 780; and Book 251, page 224.

SECTION 4. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Burlington may convey by private negotiation and sale, with or without monetary

consideration, any or all of its right, title, and interest in the following described property to Unity Builders', Inc., under the terms and conditions the City Council deems appropriate:

LOT NO.1

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining Rauhut Street, Rosenwald Street, the lands of Alta F. Ray, Lot No. 2 City of Burlington Redevelopment Subdivision and others and being more particularly described as follows:

BEGINNING at an iron stake in the west right-of-way line of Rosenwald Street, said stake being a corner with Lot No. 2, lying North 3 deg. 26' 50" East 117.70 feet from the intersection of the West right-of-way line of Rosenwald Street and the North right-of-way line of Massey Street and running thence from said beginning point with the line of Lot No. 2, North 86 deg. 42' 18" West 169.56 feet to an iron stake in the East right-of-way line of Rauhut Street; thence with the right-of-way line of Rauhut Street, North 22 deg. 45' East 60.0 feet to an iron stake in the line of Alta F. Ray; thence with the line of Alta F. Ray, South 88 deg. 00' 56" East 149.78 feet to an iron stake in the West right-of-way line of Rosenwald Street; thence with the right-of-way of Rosenwald Street, South 3 deg. 26' 50" West 60.0 feet to the point of BEGINNING and containing 0.213 Acres and being all of Lot No. 1, "Property of City of Burlington Redevelopment Subdivision", dated January 16, 1981, as surveyed by John D. Somers, L-1172 and recorded at Plat Book 26, Page 26 in the Alamance County Register of Deeds Office.

LOT NO. 2

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining Rauhut Street, Rosenwald Street, the lands of Lots 1 and 3 of City of Burlington Redevelopment Subdivision and others and being more particularly described as follows:

BEGINNING at an iron stake in the West right-of-way line of Rosenwald Street, said stake being a corner with Lot No. 3, lying North 3 deg. 26' 50" East 57.70 feet from the intersection of the West right-of-way line of Rosenwald Street and the North right-of-way line of Massey Street and running thence from said beginning point with the line of Lot No. 3, North 85 deg. 40' 07" West 189.42 feet to an iron stake in the East right-of-way line of Rauhut Street; thence with the right-of-way line of Rauhut Street North 22 deg. 45' East 60.0 feet to an iron stake, a corner with Lot No. 1; thence with the line of Lot No. 1, South 86 deg. 42' 18" East 169.56 feet to an iron stake in the West right-of-way line of Rosenwald Street; thence with the right-of-way line of Rosenwald Street South 3 deg. 26' 50" West 60.0 feet to the point of BEGINNING and containing 0.240 Acres and being all of Lot No. 2, as shown on plat entitled "Property of City of Burlington Redevelopment Subdivision", dated January 16, 1981, as surveyed by John D. Somers, L-1172 and recorded at Plat Book 26, page 26 in the Alamance County Register of Deeds Office.

SECTION 5. This act is effective when it becomes law. Sections 1 and 2 of this act expire on January 1, 2002, unless the property described in Section 1 of this act has been voluntarily acquired or condemnation complaints have been filed on or before that date.

The Conference Report is placed on the Calendar for Monday, June 11, for adoption.

Upon motion of Senator Basnight, seconded by Senator Horton, the Senate adjourns at 10:42 A.M. to meet Monday, June 11, at 7:00 P.M.

SEVENTY-NINTH DAY

Senate Chamber
Monday, June 11, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, sometimes we are asked to make a one hundred percent commitment to something about which we are maybe only fifty-one percent certain. If we find ourselves in that kind of dilemma this week, let us turn to you, then boldly examine the issue in light of your guidance. It's always easier to proceed with one hundred percent assurance of your participation. Lead us, O God. Amen."

The Chair grants leaves of absence for tonight to Senator Dalton, Senator Gulley, Senator Harris, Senator Martin of Pitt and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Edwin Swann from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Celeste Toombs from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 160, AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS.

S.B. 257, AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AND TO MAKE CLARIFYING CHANGES.

S.B. 466, AN ACT TO INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS.

S.B. 543, AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES.

S.B. 937, AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW.

H.B. 431, AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH-DEMAND OCCUPATIONS.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 817, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 331, AN ACT TO PROVIDE FOR THE APPOINTMENT OF TWO ADDITIONAL PUBLIC MEMBERS OF THE INFORMATION RESOURCE MANAGEMENT COMMISSION. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-166.)

S.B. 852, AN ACT TO AUTHORIZE THE STATE TO PURCHASE OWNER-CONTROLLED OR WRAP-UP INSURANCE FOR PUBLIC WORKS PROJECTS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-167.)

S.B. 731, AN ACT TO UPDATE AND MODIFY THE PROCESS FOR DEVELOPMENT OF COORDINATED TRANSPORTATION PLANS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-168.)

S.B. 716, AN ACT TO GIVE PRECINCT ELECTION OFFICIALS (CHIEF JUDGES, JUDGES, AND ASSISTANTS) THE SAME PROTECTION FROM DISCHARGE AS JURORS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-169.)

H.B. 752, AN ACT TO AUTHORIZE THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO REGULATE PARKING ON CERTAIN STREETS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-170.)

H.B. 1090, AN ACT PROVIDING THAT THE PRESIDENT OF THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER SHALL SERVE AS AN EX OFFICIO MEMBER OF THE RURAL INTERNET ACCESS AUTHORITY. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-171.)

H.B. 1160, AN ACT TO PROVIDE FOR UNIFORM PROVIDER CREDENTIALING BY HEALTH INSURANCE PLANS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-172.)

H.B. 1149, AN ACT AUTHORIZING LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ADDRESSING THE SEXUAL HARASSMENT OF SCHOOL EMPLOYEES, AND TO CLARIFY THE LAW PROHIBITING RETALIATION AGAINST EMPLOYEES WHO REPORT SEXUAL HARASSMENT. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-173.)

S.B. 378, AN ACT TO PERMIT AN INDIVIDUAL WHO HAS LEADERSHIP, MANAGEMENT, AND ADMINISTRATIVE ABILITY IN A FIELD OTHER THAN EDUCATION TO SERVE AS A LOCAL SUPERINTENDENT OF SCHOOLS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-174.)

H.B. 665, AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT, BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR UNINTENTIONAL TORTS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-175.)

H.B. 436, AN ACT AUTHORIZING THE NORTH CAROLINA BOARD OF ELECTROLYSIS EXAMINERS TO ESTABLISH NEW FEES AND INCREASE CERTAIN CURRENT FEES AND AMENDING CERTAIN PROVISIONS UNDER THE ELECTROLYSIS PRACTICE ACT RELATING TO FEES. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-176.)

H.B. 1053, AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-177.)

S.B. 71, AN ACT TO ESTABLISH A PILOT PROGRAM UNDER WHICH PARTICIPATING LOCAL SCHOOL ADMINISTRATIVE UNITS PLACE ALL STUDENTS WHO ARE ON SHORT-TERM OUT-OF-SCHOOL SUSPENSION IN ALTERNATIVE LEARNING PROGRAMS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-178.)

S.B. 876, AN ACT TO PROVIDE THAT ATTENDANCE AT A DAY REPORTING CENTER BE A LEVEL ONE DISPOSITION FOR DELINQUENT JUVENILES. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-179.)

S.B. 321, AN ACT TO PROVIDE FOR SHARING OF INFORMATION PRODUCED BY, OBTAINED BY, OR DISCLOSED TO THE INSURANCE COMMISSIONER UNDER THE EXAMINATION LAW; AND TO CLARIFY THAT THE EXAMINATION LAW APPLIES TO ALL ENTITIES SUBJECT TO REGULATION BY THE INSURANCE COMMISSIONER. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-180.)

S.B. 311, AN ACT TO AMEND THE PROVISIONS OF THE NORTH CAROLINA HOUSING FINANCE AGENCY ACT TO MAKE TECHNICAL AMENDMENTS AND TO AUTHORIZE THE INVESTMENT OF MONEY HELD BY THE AGENCY IN CERTAIN BONDS. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-181.)

S.B. 259, AN ACT TO AMEND THE SECURITIES DEALER REGISTRATION STATUTES TO ABOLISH THE CHURCH BOND DEALER RESTRICTION. (Became law upon approval of the Governor, June 7, 2001–S.L. 2001-182.)

June 11, 2001

S.B. 258, AN ACT TO REQUIRE RESCISSION OFFERS TO BE FILED WITH THE SECRETARY OF STATE. (Became law upon approval of the Governor, June 7, 2001– S.L. 2001-183.)

H.B. 311, AN ACT TO AUTHORIZE INDIAN TRIBES TO ELECT TO MAKE UNEMPLOYMENT PAYMENTS, IN LIEU OF CONTRIBUTIONS, TO REIMBURSE ACTUAL COMPENSATION PAID WITH RESPECT TO EMPLOYEES, AS REQUIRED BY FEDERAL LAW. (Became law upon approval of the Governor, June 7, 2001 - S.L. 2001-184.)

S.B. 236, AN ACT TO INCREASE THE CAP ON BONDS OUTSTANDING FOR THE HOUSING FINANCE AGENCY FROM $1.5 BILLION TO $3 BILLION. (Became law upon approval of the Governor, June 7, 2001 - S.L. 2001-185.)

H.B. 438, AN ACT TO CLARIFY THE PERFORMANCE MEASURES ON WHICH COMMUNITY COLLEGES ARE EVALUATED FOR THE PURPOSE OF PERFORMANCE BUDGETING. (Became law upon approval of the Governor, June 7, 2001 - S.L. 2001-186.)

S.B. 533, AN ACT ALLOWING THE CHARLOTTE CITY AND MECKLENBURG COUNTY SUBDIVISION ORDINANCES TO CONTROL THE LOCATION OF PERMANENT MARKERS ALONG PROPERTY LINES. (Became law upon ratification, June 7, 2001 - S.L. 2001-187.)

S.B. 584, AN ACT TO MODIFY THE DISTRIBUTIONS FROM THE TOWN OF RUTHERFORDTON BOARD OF ALCOHOLIC BEVERAGE CONTROL. (Became law upon ratification, June 7, 2001 - S.L. 2001-188.)

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Purcell for the **Health Care Committee**:

S.B. 861, A BILL TO BE ENTITLED AN ACT TO ADDRESS SOME OF NORTH CAROLINA'S PUBLIC HEALTH PROBLEMS IN SHORTAGES OF LICENSED DENTAL PERSONNEL IN RURAL AND LOW-INCOME AREAS BY DEVELOPING PATHWAYS FOR NORTH CAROLINA STATE LICENSING OF DENTISTS AND DENTAL HYGIENISTS WHO ARE ALREADY LICENSED IN OTHER STATES OR JURISDICTIONS THROUGH PROVIDING FOR REVIEW OF THE PROFESSIONAL CREDENTIALS AND OTHER RECORDS OF ACTIVITIES BY APPLICANTS AS AN ALTERNATIVE TO REQUIRING APPLICANTS TO SATISFACTORILY COMPLETE A LICENSING BOARD CLINICAL EXAMINATION; BY ESTABLISHING A LIMITED VOLUNTEER DENTAL LICENSE; BY IMPROVING REGULATORY PROVISIONS FOR DENTAL FACULTY AND STUDENTS; AND BY ENACTING OTHER LICENSING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4631, which changes the title to read **S.B. 861** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS SOME OF NORTH CAROLINA'S PUBLIC HEALTH PROBLEMS IN SHORTAGES OF LICENSED DENTAL PERSONNEL IN RURAL AND LOW-

INCOME AREAS BY DEVELOPING PATHWAYS FOR NORTH CAROLINA STATE LICENSING OF DENTISTS AND DENTAL HYGIENISTS WHO ARE ALREADY LICENSED IN OTHER STATES OR JURISDICTIONS THROUGH PROVIDING FOR REVIEW OF THE PROFESSIONAL CREDENTIALS AND OTHER RECORDS OF ACTIVITIES BY APPLICANTS AS AN ALTERNATIVE TO REQUIRING APPLICANTS TO SATISFACTORILY COMPLETE A LICENSING BOARD CLINICAL EXAMINATION; BY ESTABLISHING A LIMITED VOLUNTEER DENTAL LICENSE; BY IMPROVING REGULATORY PROVISIONS FOR DENTAL FACULTY AND STUDENTS; BY ENACTING OTHER LICENSING CHANGE BY DIRECTING THE UNIVERSITY OF NORTH CAROLINA, IN COLLABORATION WITH THE STATE BOARD OF DENTAL EXAMINERS, TO STUDY AND DEVELOP PROCEDURES FOR INCREASING THE NUMBER OF DENTAL STUDENTS IN THE ENROLLING CLASS OF THE STATE SCHOOL OF DENTISTRY; AND BY DIRECTING THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY AND DEVELOP PROCEDURES FOR CREATING AN ADDITIONAL STATE DENTAL SCHOOL, is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 468 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 12.

S.B. 719 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, June 12.

S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 12.

H.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A FUEL TAX REFUND FOR OFF-ROAD FUEL USE BY MULCH-BLOWING EQUIPMENT.

Referred to **Finance Committee**.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX.

Referred to **Finance Committee**.

H.B. 1019 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM.

Referred to **Agriculture/Environment/Natural Resources Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 666 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE.

Upon motion of Senator Plyler, the Senate adopts the Conference Report (43-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

S.B. 123 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill (43-0) on its second reading. The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, June 12.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 11, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information the House has adopted the report of the Conferees on S.B. 666, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE.

June 11, 2001

When a similar action has been taken on the part of the Senate you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the conference report for S.B. 666 earlier today, the President orders the bill enrolled.

WITHDRAWALS FROM COMMITTEES

S.B. 374, A BILL TO BE ENTITLED AN ACT TO PHASE-IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, referred to the **Children & Human Resources Committee** on March 8.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Children & Human Resources Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Children & Human Resources Committee** and re-refers the measure to the **Finance Committee**.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY, ordered held in the Principal Clerk's office on May 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Principal Clerk's Office and referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the Principal Clerk's Office and re-refers the measure to the **Health Care Committee**.

S.B. 247, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO GOVERNMENT FINANCE, referred to the **Rules and Operations of the Senate Committee** on February 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Allen Brandon Anderson, Charlotte; Andrew Blake Chadderton, Cary; Catherine M. Clark, Durham; Jaime Alicia Derbyshire, Raleigh; Sean Flaherty, Raleigh; Elizabeth Stephens Gregory, Fayetteville; Christopher Hewett, Greensboro; Mary Adaire Howard, Fayetteville; Juliane Kelly, Nags Head; Tameika Langston, Gates; Joshua Lee Lassiter, Belvidere; Erica Liu, Lake Wylie, South Carolina; Stacie Jo McKinney, Bakersville; Gabriel A. Pagan, Boone; Christopher Martin Pearson, Gastonia; Molly E. Plexico, Raleigh; Whitney

Louise Ragland, Washington; Graham Philip Saunders, Raleigh; Janet Smith, Zirconia; Diana Summers, Raleigh; Gregory Harrison Tuttle, Clayton; and James Twining, Greer.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 774 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES.

Pursuant to the Senate having failed to concur in the House Committee Substitute for S.B. 774 on June 5, and the motion by Senator Rand to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Rand, Chairman, Senator Hartsell and Senator Hoyle as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 7:30 P.M. to meet tomorrow, June 12, at 3:00 P.M.

EIGHTIETH DAY

Senate Chamber
Tuesday, June 12, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we are such 'show us the way' kind of people. Of course there is biblical precedent for that kind of attitude. Moses and the Israelites stood at the Red Sea with the Pharoah's army descending upon them and you parted the sea and showed them the way. We even remember the verse that says 'Knock and it shall be opened unto you.' But where are we to turn, O God, when the sea doesn't part, the door stays shut, and we are impatient. An old Quaker woman answered that question for us this way when she said, 'In sixty-plus years of living, the way has never opened in front of me.' She paused, then continued with a grin, 'But a lot of way has closed behind me; that's had the same guiding effect.' Help us to understand there is as much guidance in what does not and cannot happen in our lives as there is in what can and does happen. Amen."

The Chair grants leaves of absence for today to Senator Dalton and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Thomas Vincent Clancy from Wilmington, North Carolina, who is serving the Senate as Doctor of the Day, and to Bette Ferree from High Point, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 666, AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE.

H.B. 910, AN ACT AUTHORIZING THE CITY OF DURHAM AND THE TOWNS OF CARY, GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA, AND SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 817, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN RICHMOND COUNTY. (Became law upon ratification, June 11, 2001 - S.L. 2001-189.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT FOR NOTARIZATION OF CAMPAIGN REPORTS, with a favorable report.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 668 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES, with a favorable report.

Upon motion of Senator Hagan, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 689, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6728, which changes the title to read **H.B. 689** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY

OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS AND TO INCLUDE ALEXANDER COUNTY AMONG THOSE COUNTIES IN WHICH VACANCIES IN THE OFFICE OF SHERIFF ARE FILLED THROUGH CONSULTATION WITH THE POLITICAL PARTY OF THE PREVIOUS SHERIFF, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 68 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 13.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 998 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE UNDER STATE LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

With unanimous consent, upon motion of Senator Gulley, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 13.

WITHDRAWAL FROM COMMITTEE

S.J.R. 585, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COBLE FUNDERBURK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, June 13, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, June 13.

PERSONAL PRIVILEGE

Senator Basnight rises to a point of personal privilege and presents Senator Forrester with the 2001 PRIDE IN THE PROFESSIONS AWARD for his outstanding contributions to the medical profession and his service in the North Carolina General Assembly. With unanimous consent, upon motion of Senator Moore**,** the remarks of Senator Basnight and Senator Forrester are spread upon the Journal, as follows:

Senator Basnight:

"Senator Forrester is being recognized by the American Medical Association and Pfizer Pharmaceuticals for his outstanding contributions to the medical profession and his service in the North Carolina General Assembly. I am pleased to present on behalf of all of us, the 2001 PRIDE IN THE PROFESSIONS AWARD. Senator Forrester has practiced medicine for thirty-eight years in his hometown of Stanley. He is a long standing member of the American Medical Association and the North Carolina Medical Society, and a member of the American College of Occupational Medicine. He has received numerous awards during his career. Here in the Senate he has championed legislation and issues that promote the health and well-being of our State's citizens. In recognition of his commitment to excellence in medicine and health throughout his distinguished medical and public career, I am pleased, on behalf of all of us, to present this award to Senator Forrester."

Senator Forrester:

"I'm very honored to receive this award. I heard that Senator Basnight had written a letter of recommendation or nomination for this award for me, which I much appreciate. Senator Bill Purcell, my cohort, would certainly be more deserving than me. However, I think it was given to somebody still in active practice at this time, Senator Purcell. The Lord has blessed me with a wonderful wife and four children, and three great careers: a career in medicine, which I so dearly love; a career in the military, in the Air National Guard Air Force, and becoming a general officer; and a career in the political field as County Commissioner and State Senator. I've enjoyed all these years, particularly my years practicing medicine. This kind of reminds me of when I first came to this country at the age of ten years of age from my native Scotland. I came to this country and standing on the ship as I came into the New York Harbor with my mother and my sister at my side as we passed the Statue of Liberty, and as we were entering Ellis Island to become a citizen, my mother said to me, 'Son, this is America. This is your new home. This is a land of liberty, a land of freedom. You can excel in anything you attempt to do. Anything you want to do in this great country you can. But remember two things. Remember those who have helped you. Thank them. Reach out your hand and help others. And number two, always give back to your country, to your God, to your nation,

to your State, to your community more than you have received.' And I've tried to do that. On behalf of the medical profession, I wish to thank Senator Basnight and Pfizer Labs. On behalf of all my brothers and sisters here in the Senate, I gratefully accept this award. Thank you very much"

The President extends the courtesies of the gallery to Mary Frances Forrester, wife of Senator Forrester.

CALENDAR (*continued*)

S.B. 123 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill upon its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 719 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 upon its second reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—47.

Voting in the negative: Senator Webster—1.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Wednesday, June 13, for concurrence, upon third reading.

S.B. 468 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING

UNAUTHORIZED STATUTORY LIENS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 12, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 774, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRIVACY OF BILLING INFORMATION OF CUSTOMERS OF PUBLIC ENTERPRISES, and requests conferees,

The Speaker appoints:

Representative Hackney,
Representative Blue
Representative Hensley, and
Representative Arnold

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

Respectfully,
S/Denise Weeks
Principal Clerk

WITHDRAWALS FROM COMMITTEES

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS, referred to the **Judiciary II Committee** on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Children & Human Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Children & Human Resources Committee**.

S.B. 369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COALITION 2001 PROGRAMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, referred to the **Appropriations/Base Budget Committee** on March 8.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**,

which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

S.B. 374, A BILL TO BE ENTITLED AN ACT TO PHASE-IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL, re-referred to the **Finance Committee** on June 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Children & Human Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Children & Human Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Forrester, the Senate adjourns at 3:37 P.M. to meet tomorrow, June 13, at 3:00 P.M.

EIGHTY-FIRST DAY

Senate Chamber
Wednesday, June 13, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Austin Allran, Senator from Catawba County as follows:

"Let's pray. Dear God, I know you remember what the seventeen-year-old girl said a few Sundays ago as she gave her personal testimonial. But bear with me while I tell the Senators. This teenage girl, standing in the pulpit of our cathedral-like sanctuary, said she had no idea what she was going to do with her life. She didn't feel like she was as pretty as the other girls. She didn't feel as smart. She wasn't popular. She would be graduating from high school in one year and she had no idea where she was going to go to college. She was a loser. On the other hand, her dad was a doctor, her mother was pretty and could sing like an opera star. Her two brothers were smart. She said, 'Every night I laid in bed and cried. My parents couldn't do a thing for me. Then one night I picked up the Bible.' She opened it at Hebrews. Right before her eyes appeared words that spoke to her heart. She memorized the lines. 'Don't be afraid. Just have faith. Do not fear. Just believe.' From the pulpit she said to us, 'Those words changed my life. I'm happier now. People say I'm friendlier. I'm more confident. I'm not scared anymore.'

"Now Lord, hear our prayer from this grown-up Senate. God, be with us. Remind us Lord that if you are with us, who can be against us? Hear our prayer. God be with us, so instead of fearing what tomorrow may bring, or not bring, we may simply, like the young person again, just believe. Amen."

The Chair grants leaves of absence for today to Senator Warren and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 12, has been examined and is found to be correct. Upon his motion, the

Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles Otis Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day, and to Aquinetta Faulk from High Point, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Governor:

S.B. 123, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS.

S.B. 468, AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS.

S.B. 573, AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND.

S.B. 714, AN ACT TO AMEND THE DEFINITION OF "AMBULATORY SURGICAL FACILITY" BY REDUCING THE NUMBER OF REQUIRED OPERATING ROOMS FROM TWO TO ONE AND TO AMEND THE DEFINITION OF "NEW INSTITUTIONAL HEALTH SERVICE" BY INCLUDING CONSTRUCTION, DEVELOPMENT, ESTABLISHMENT, INCREASE IN NUMBER, OR RELOCATION OF AN OPERATING ROOM OR OPERATING ROOMS AND TO EXTEND THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN TO ALL OPERATING ROOMS AND TO REPEAL S.L. 2000-135.

S.B. 811, AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 666, AN ACT AUTHORIZING THE CITY OF MONROE TO ACQUIRE CERTAIN PROPERTY AND TO CONVEY THE PROPERTY TO UNION COUNTY FOR THE PURPOSE OF CONSTRUCTING A COURTHOUSE THEREON AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY DESCRIBED PROPERTY BY PRIVATE SALE. (Became law upon ratification, June 12, 2001 - S.L. 2001-190.)

H.B. 910, AN ACT AUTHORIZING THE CITY OF DURHAM AND THE TOWNS OF CARY, GARNER, MORRISVILLE, KNIGHTDALE, FUQUAY-VARINA, AND SPENCER TO LIMIT THE CLEAR-CUTTING OF TREES IN BUFFER ZONES PRIOR TO DEVELOPMENT AND ALLOW FOR THE PROTECTION OF SPECIMEN TREES DURING THE DEVELOPMENT PROCESS. (Became law upon ratification, June 12, 2001–S.L. 2001-191.)

S.B. 825, AN ACT TO EXEMPT FROM THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT CONTRACT DISPUTES BETWEEN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN AND ENTITIES UNDER CONTRACT WITH THE PLAN; AND TO CLARIFY THAT A STATE AGENCY MAY SEEK RELIEF UNDER THE DECLARATORY JUDGMENT ACT. (Became law upon approval of the Governor, June 12, 2001- S.L. 2001-192.)

H.B. 803, AN ACT TO TRANSFER THE SAVINGS INSTITUTIONS DIVISION TO THE STATE BANKING COMMISSIONER; TO AUTHORIZE ADDITIONAL DEPUTY COMMISSIONERS; TO MERGE THE SAVINGS INSTITUTIONS COMMISSION WITH THE STATE BANKING COMMISSION; TO REQUIRE THE COMMISSIONER TO REPORT TO THE GENERAL ASSEMBLY; AND TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES. (Became law upon approval of the Governor, June 12, 2001–S.L. 2001-193.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 356 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8657, which changes the title to read **H.B. 356** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO CLARIFY THE DEFINITION OF COLLECTION AGENCY; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO CONFORM THE LAW ON DECEPTIVE REPRESENTATION BY COLLECTION AGENCIES TO FEDERAL LAW; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO PROTECT SCHOOL GROUNDS

FROM IMPAIRED DRIVERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8656, which changes the title to read **S.B. 438** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER, is adopted and engrossed.

Upon motion of Senator Clodfelter, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3865 is adopted and engrossed.

By Senator Shaw of Cumberland for the **Transportation Committee**:

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, for concurrence in House Amendments No. 1, No. 2 and No. 3.

The Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 14.

S.B. 1075 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 14.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.J.R. 585, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COBLE FUNDERBURK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY.

Upon motion of Senator Plyler, the joint resolution is read in its entirety.

Upon motion of Senator Webster, the remarks of the members are spread upon the Journal, as follows:

Senator Plyler:

"Thank you, Madame President, and members of the Senate. Today we are honoring the life of a gentlemen that meant a lot to Union County and North Carolina. You know, some called him Fundy, some called him Mr. Coble, some called him Mr. Funderburk, some Lawyer Funderburk. He was very active in civic affairs and some called him Rotary Funderburk, Rotary Coble, various things. He was an attorney for many years, as you have heard on the resolution, since 1932. Coble was the longest, oldest, practicing attorney in North Carolina when he passed away in September of 2000. He raised a wonderful family, some of whom are in the gallery today. He has a daughter, Barbara; two sons, Jerry and Jim; and grandson Cody who are in the gallery here today, along with a cousin, Sarah Gulledge, who is sitting to my left here. As you've already heard he was a leader in the Rotary, and he won many, many honors there for his civic work. In his church he did the radio programs for many years and had many listeners across the Union County area, and he did an excellent job not only there but in his church in teaching Sunday School. I'm going to tell you, he could teach Sunday School, he could preach if he needed to, and he could have one of the finest prayers that you have ever heard. Now they asked him for many occasions in many areas to come and have a prayer in various churches and organizations. You know, Mr. Coble loved food. He ate at Hilltop, and if any of you know where Hilltop is, I know, Madame Chairman, you do, Tony, several of you have eaten there, but he would come in at breakfast and he wouldn't sit at a booth, he wouldn't sit at a table, he would come up to the counter where there were stools and he would sit there so he could be with the other people he had known over the years. When he would order, most of the time the waitresses knew what he was going to order. He would order a great big steak plate, it wasn't a little, small breakfast plate. He would order grits, sausage, eggs, cheese, orange slices, gravy, raisins and then anything else he could put on that plate. He would sit there and for about five minutes he would stir it all together. Then he would come out with a plate that would feed any sawmill hand that you have ever seen in your life. He would clean that plate completely and he would sit and talk with the different ones there at the counter until he had to leave or they had to leave. One of the things that I liked about him so well was that he liked to talk to young people. He would sit there and one young man, Brandon Blackman, the two of them would sit there, he was in high school, they'd sit there and talk sometimes for thirty minutes with their heads right together. Of course Brandon learned a lot from him as many other people did. But then about three o'clock in the afternoon he would come back for another meeting. He and his wife would come to Hilltop and he would order another plate of food, and he would clean it up. Well, that was his two meals for the day. But he never was sick to amount to anything. He often bragged one time, several times, saying that sometimes during life if you live long enough you'll have prostrate problems. Mr. Coble says, 'I don't know how old you have to live but I've never had any problems with mine whatsoever.' He drove a pick-up truck a lot and in the standard hole in that pick-up truck he would have a stick broom with the broom part turned straight up so people would know that he was coming or so that he could identify his truck if he was parked in a group of people, a group of vehicles. You know, for many years he rented his office from me in downtown Monroe. He didn't have a secretary. He did all of that work himself. He was the first one to pay his rent. I never had a lease with him because you didn't need a lease. His word was his bond absolutely. About the twentieth or twenty-fifth of the month the check would come in. But, he would type it out on an old Remington typewriter and some of the little letters would be staggered up and down, but still again that check was absolutely honored immediately when it was presented to the bank. He was a wonderful, wonderful citizen of Union County born in South Carolina right near the same sight that

my Dad was born several years earlier than he was. He just did a tremendous amount of work for the people who could not help themselves, and people would still file in his office when he was ninety-four, ninety-four and a half years old, wanting him to help them with their work. I just can't say enough about Coble because he was a true friend of mine and my family's and the many people in Union County and across the State. He told me many times about how much the budget was when he was here and that was a very small budget of about $500,000. There's a lot of difference in that and what it is now. He was a good legislator, he served three terms - one in the House and two in the Senate, and I am privileged to have the honor to present this resolution to you today and I certainly would appreciate your support in its passage. Thank you. "

Senator Hoyle:

"Thank you, Madame President and members of the Senate. I had the privilege of meeting Coble Funderburk a number of years ago at a place some people called his second office and his second home, that was the Hilltop Cafe as Senator Plyler alluded to. When you met Coble you knew right away that he was a man of honor. He was a real gentleman. I'm proud to say that I have known his son, Jim, for at least twenty-five or thirty years. He practices law in Gastonia, and I guess the old saying that the fruit doesn't fall too far from the tree certainly applies in the case of his son, Jim. Jim, I would just say to you that your father was a great man and I know that you and your brother and sister know that, and that he meant so much to so many people and we appreciate his life and what he has meant to North Carolina. I'll just say to you Jim that I hope that you can follow in his footsteps and practice law until you are ninety-five years old and I'd like to continue to be one of your clients.

Senator Purcell:

"Thank you, Madame President and members of the Senate. I had the privilege of meeting Coble Funderburk just a few years ago and I would say 'amen' to what Senator Plyler and Senator Hoyle have said. He is certainly a great North Carolinian who highly deserves this special recognition and I commend this resolution to you."

Senator Rand:

"It was my privilege to know Coble Funderburk. I always enjoyed seeing him. He was a great fellow to talk to. He was, of course, interested in politics. He was interested in law. He was a wonderful lawyer who meant a lot to so many people in the kind of legal work that he did. He was the kind of lawyer who valued his profession and it was a profession to him as it should be to all of us who are licensed to practice. He was a grand fellow to be with, a good fellow to be around. I was fascinated watching him eat. And I always enjoyed being with him and I'll always miss him. Thank you.'

The joint resolution passes its second reading (47-0) and third reading with members standing, and is ordered, without objection, sent to the House of Representatives by special message.

H.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT FOR NOTARIZATION OF CAMPAIGN REPORTS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 689 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS AND TO INCLUDE ALEXANDER COUNTY AMONG THOSE COUNTIES IN WHICH

VACANCIES IN THE OFFICE OF SHERIFF ARE FILLED THROUGH CONSULTATION WITH THE POLITICAL PARTY OF THE PREVIOUS SHERIFF.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 719 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2 upon its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, and Wellons—46.

Voting in the negative: Webster.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 68 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Jordan offers a motion that the Senate appoint conferees, which motion prevails.

The Senate recesses at 3:55 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 4:10 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 795 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT; TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT; AND TO AMEND CHAPTER 55 OF THE GENERAL STATUTES, THE NORTH CAROLINA BUSINESS CORPORATION ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 14.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS, with a favorable report.

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7662 is adopted and engrossed.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

H.B. 429, A BILL TO BE ENTITLED AN ACT TO TRANSFER FROM THE STATE AUDITOR TO THE LOCAL GOVERNMENT COMMISSION THE RESPONSIBILITY FOR APPROVING COMPLIANCE SUPPLEMENTS FOR AUDITS OF LOCAL GOVERNMENTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 5681, which changes the title to read **H.B. 429** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF SENATE BILL 25, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for

immediate consideration.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

CALENDAR (*continued*)

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, temporarily displaced earlier.

Senator Foxx offers Amendment No. 2 which fails of adoption (17-31).

Senator Dalton calls the previous question, seconded by Senator Ballance.

The call is sustained (32-16).

The Senate Committee Substitute bill passes its third reading (45-3) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWALS FROM COMMITTEES

H.B. 75, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE APPELLATE DIVISION REPORTS TO THE CHEROKEE SUPREME COURT, referred to the **Appropriations/Base Budget Committee** on March 22.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Judiciary II Committee**.

S.B. 80, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT, re-referred to the **Appropriations/Base Budget Committee** on May 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF SENATE BILL 25, temporarily displaced earlier.

Senator Rand offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent by special message to the House of Representatives for concurrence in Senate Committee Substitute bill.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 13, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for HB 722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT.

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Ballance, seconded by Senator Berger, the Senate adjourns at 4:45 P.M. to meet tomorrow, June 14, at 10:00 A.M.

EIGHTY-SECOND DAY

Senate Chamber
Thursday, June 14, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by Dr. Charles C. Williamson, Pastor of First Presbyterian Church, Monroe, North Carolina, as follows:

"O God, our creator and redeemer, we bow before you, for you are the Lord of all life. Without Your direction, all that we do goes for nothing. Therefore, we Pray that you will bless us with wisdom and courage to follow your will. Grant your blessing upon these Senators who have been charged with the responsibility of governing this State. Instill in them the characteristics that the psalmist described in an ideal leader: concern for the poor, compassion for the needy, advocacy for the weak. Keep us from the sinfulness of self-aggrandizement. Help us to know that we are here not out of self-interest, but in order to work for the greatest good for the people of North Carolina. Forgive us when we fail. And empower us to accept your forgiveness and move forward. Let the actions that are taken in this place be for your Glory. Lord, hear our prayer. Amen."

The Chair grants leaves of absence for today to Senator Hoyle and Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Edwin Merrill Tomlin from Harrisburg, North Carolina, who is serving the Senate as Doctor of the Day, and to Margaret Mullinix from Pittsboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 719, AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY.

H.B. 3, AN ACT TO ALLOW THE SECRETARY OF ADMINISTRATION AND STATE AGENCIES TO ADD A PERCENT INCREASE TO BIDS OF NONRESIDENT BIDDERS WHERE THE NONRESIDENT BIDDERS' HOME STATES GRANT PREFERENCES TO IN-STATE BIDDERS.

H.B. 357, AN ACT TO INCREASE THE AMOUNTS OF LIABILITY INSURANCE THAT MAY BE CEDED TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY TO FACILITATE THE PURCHASE OF EXCESS OR UMBRELLA COVERAGE BY MOTOR VEHICLE OWNERS AND TO CLARIFY OTHER LAWS RELATING TO UMBRELLA INSURANCE.

H.B. 377, AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT.

H.B. 573, AN ACT TO ELIMINATE THE REQUIREMENT FOR NOTARIZATION OF CAMPAIGN REPORTS.

And the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.J.R. 585, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF COBLE FUNDERBURK, A FORMER MEMBER OF THE NORTH CAROLINA GENERAL ASSEMBLY. (Res. 19.)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 78, AN ACT TO PROVIDE THAT GRANDPARENTS MAY ACT AS SUPERVISING DRIVERS FOR DRIVERS HOLDING LIMITED LEARNER'S PERMITS. (Became law upon approval of the Governor, June 13, 2001–S.L. 2001-194.)

H.B. 620, AN ACT TO GIVE SCHOOL SUPERINTENDENTS FLEXIBILITY REGARDING THE EXPUNCTION OF RECORDS OF A STUDENT'S SUSPENSION OR EXPULSION FROM SCHOOL. (Became law upon approval of the Governor, June 13, 2001–S.L. 2001-195.)

H.B. 114, AN ACT TO DESIGNATE U.S. HIGHWAY 70 IN NORTH CAROLINA AS THE "BLUE STAR MEMORIAL AND AMERICAN EX-PRISONERS OF WAR HIGHWAY". (Became law upon approval of the Governor, June 13, 2001–S.L. 2001-196.)

S.B. 277, AN ACT TO CLARIFY THAT THE EXEMPTION FOR THE OFFER AND SALE OF STOCK IS ALLOWED ONLY FOR CORPORATIONS THAT ARE ORGANIZED AND THAT OPERATE TO CONFER A PUBLIC BENEFIT. (Became law upon approval of the Governor, June 13, 2001–S.L. 2001-197.)

H.B. 1341, AN ACT AMENDING THE LAWS RELATING TO AUCTIONS AND AUCTIONEERS AND AUTHORIZING THE NORTH CAROLINA AUCTIONEERS COMMISSION TO ADOPT RULES RELATING TO CONTINUING EDUCATION REQUIREMENTS, TO ACQUIRE REAL PROPERTY, AND TO PURCHASE EQUIPMENT AND LIABILITY INSURANCE. (Became law upon approval of the Governor, June 13, 2001–S.L. 2001-198.)

S.B. 7, AN ACT TO ADD TWO MEMBERS WHO ARE JUVENILES TO THE JUVENILE LOCAL CRIME PREVENTION COUNCILS AND TO THE STATE ADVISORY COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND BY ADDING THE ATTORNEY GENERAL TO THE STATE ADVISORY COUNCIL. (Became law upon approval of the Governor, June 13, 2001–S.L. 2001-199.)

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 884 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE AND TO AMEND THE LAW PROVIDING COMPENSATION TO THE PERSON FOR A WRONGFUL CONVICTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1670, which changes the title to read **H.B. 884** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 795 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT; TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT; AND TO AMEND CHAPTER 55 OF THE GENERAL STATUTES, THE NORTH CAROLINA BUSINESS CORPORATION

ACT, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Rand, the House Committee Substitute bill is moved to first order of business.

Without objection, Senator Clodfelter requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Senator Ballance announces a pair vote. If Senator Hoyle were present, he would vote "aye"; Senator Ballance votes "no".

The Senate concurs in the House Committee Substitute bill (45-1) and the measure is ordered enrolled and sent to the Governor by special message.

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 18, upon third reading.

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, upon second reading .

With unanimous consent, upon motion of Senator Miller, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 19, upon second reading.

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, upon second reading.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 20, upon second reading.

H.B. 1062 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, June 18, upon third reading.

H.B. 356 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO CLARIFY THE DEFINITION OF COLLECTION AGENCY; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO CONFORM THE LAW ON DECEPTIVE REPRESENTATION BY COLLECTION AGENCIES TO FEDERAL LAW; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator Soles objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 18.

ENROLLED BILLS *(continued)*

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 795, AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT; TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT; AND TO AMEND CHAPTER 55 OF THE GENERAL STATUTES, THE NORTH CAROLINA BUSINESS CORPORATION ACT.

CALENDAR (*continued*)

H.B. 643 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS.

Senator Horton offers Amendment No. 1.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

WITHDRAWAL FROM CALENDAR

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, placed earlier on the Calendar for Wednesday, June 20.

Senator Shaw of Cumberland offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Calendar for Wednesday, June 20, and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the Calendar for Wednesday, June 20, and re-refers the measure to the **Transportation Committee**.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 334, A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO EXEMPT FROM THE DEFINITION OF EMPLOYMENT STUDENT INTERNS OF THE NORTH CAROLINA INTERNSHIP COUNCIL, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8658, which changes the title to read **H.B. 334** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO EXEMPT FROM THE DEFINITION OF EMPLOYER GOVERNMENTAL EMPLOYERS WHO HIRE INTERNS, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, for concurrence in House Amendments No. 1, No. 2 and No. 3.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 20.

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 28.

S.B. 1075 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 68 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE

CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill and a motion by Senator Ballance to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Jordan, Chairman, and Senator Ballance and Senator Bingham as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR (*continued*)

H.B. 643 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 18, with Amendment No. 1 pending.

Upon motion of Senator Ballance, seconded by Senator Soles, the Senate adjourns subject to ratification of bills to meet Monday, June 18, at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 429, AN ACT TO CLARIFY THE APPLICABILITY OF SENATE BILL 25.

Pursuant to Senator Ballance's motion to adjourn having prevailed, the Senate adjourns at 11:30 A.M.

EIGHTY-THIRD DAY

Senate Chamber
Monday, June 18, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, without you, we can do nothing! Don't let foolish pride or stubborn will keep us from confessing that fact. We hear the oft used saying in our society 'Do the right thing'. This week, help us, O Lord, when we want to do the right thing but don't know what it is, but help us most when we know perfectly well what we ought to do and don't want to do it. In the holy name we pray, Amen."

*Part of this is a prayer of Peter Marshall

The Chair grants leaves of absence for tonight to Senator Berger, Senator Garwood, Senator Hartsell, Senator Hoyle, Senator Soles and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Stanley Robert Bylciw from Smithfield, North Carolina, who is serving the Senate as Doctor of the Day, and to Denise Pityk from Selma, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 1075, AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 397, AN ACT TO AUTHORIZE CREDIT TO MISDEMEANANTS IN LOCAL CONFINEMENT FACILITIES FOR ATTENDING GED CLASSES AND OTHER PROGRAMS. (Became law upon approval of the Governor, June 14, 2001–S.L. 2001-200.)

S.B. 795, AN ACT TO REPEAL CHAPTER 78B OF THE GENERAL STATUTES, THE TENDER OFFER DISCLOSURES ACT; TO AMEND CHAPTER 78A OF THE GENERAL STATUTES, THE NORTH CAROLINA SECURITIES ACT; AND TO AMEND CHAPTER 55 OF THE GENERAL STATUTES, THE NORTH CAROLINA BUSINESS CORPORATION ACT. (Became law upon approval of the Governor, June 14, 2001–S.L. 2001-201.)

H.B. 429, AN ACT TO CLARIFY THE APPLICABILITY OF SENATE BILL 25. (Became law upon approval of the Governor, June 14, 2001–S.L. 2001-202.)

S.B. 318, AN ACT TO REVISE THE LAWS ON LICENSING OF INSURANCE AGENTS AND BROKERS TO MAKE THEM CONFORM TO A MODEL UNIFORM INSURANCE PRODUCER LICENSING ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS AND THEREBY, ALONG WITH THE OTHER STATES, ACHIEVE NATIONAL UNIFORMITY IN LICENSING INSURANCE PRODUCERS, AS PROVIDED BY THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-203.)

S.B. 299, AN ACT TO PROVIDE THAT PICKUP FIREFIGHTERS OF THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, ARE ELIGIBLE FOR COMPENSATION UNDER THE WORKERS' COMPENSATION ACT. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-204.)

S.B. 967, AN ACT TO MAKE TECHNICAL AND ADMINISTRATIVE CHANGES TO THE MOTOR FUELS TAX LAW. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-205.)

S.B. 1056, AN ACT TO AMEND THE APPLICABILITY OF THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT TO HOUSING AUTHORITIES UNDER CHAPTER 157 OF THE GENERAL STATUTES. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-206.)

H.B. 344, AN ACT RELATING TO THE ANNUAL FILING OF WAGE REPORTS BY DOMESTIC SERVICE EMPLOYERS AND TO THE LATE FILING AND PAYMENT PENALTIES UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-207.)

H.B. 375, AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD WELFARE. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-208.)

H.B. 387, AN ACT TO CLARIFY THE LICENSURE AND DEFINITION OF GROUP HOMES FOR DEVELOPMENTALLY DISABLED ADULTS. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-209.)

H.B. 453, AN ACT TO PROVIDE FOR THE REGULATION OF EMERGENCY MEDICAL SERVICES. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-210.)

H.B. 938, AN ACT TO PERMIT COMMUNITY COLLEGES TO GRANT SECURITY INTERESTS TO FEDERAL AGENCIES. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-211.)

S.B. 91, AN ACT TO AUTHORIZE THE ISSUANCE OF ADDITIONAL DEALER PLATES TO BUSINESSES ENGAGED IN THE ALTERATION AND SALE OF SPECIALTY VEHICLES. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-212.)

S.B. 202, AN ACT TO AMEND THE PROCESS BY WHICH FISHERY MANAGEMENT PLANS ARE REVISED, TO REPEAL THE SUNSETS ON THE LICENSING PROVISIONS OF THE FISHERIES REFORM ACT OF 1997 AND THE MARINE FISHERIES AMENDMENTS OF 1998, TO EXTEND THE MORATORIUM ON ISSUING NEW SHELLFISH LEASES IN CORE SOUND, AND TO STAGGER THE TERMS OF THE MEMBERS OF THE MARINE FISHERIES COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-213.)

S.B. 300, AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND RECOVERY COMMISSION. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-214.)

H.B. 350, AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO

SHARE WITH THE FEDERAL AND STATE FINANCIAL INSTITUTION REGULATORS INFORMATION ABOUT INSURANCE COMPANIES THAT ARE AFFILIATES OF DEPOSITORY INSTITUTIONS OR OF FINANCIAL HOLDING COMPANIES; TO AMEND THE INSURANCE HOLDING COMPANY ACT AND AN INSURANCE COMPANY INVESTMENT STATUTE TO COMPLY WITH FEDERAL LAW, IN ACCORDANCE WITH THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-215.)

H.B. 1045, AN ACT TO RESTORE STABILITY UNDER THE WORKERS' COMPENSATION ACT BY OVERTURNING THE CASE DECIDED BY THE 2000 COURT OF APPEALS OF NORTH CAROLINA ENTITLED HANSEN V. CRYSTAL FORD-MERCURY, INC., BY PROVIDING THAT INSURERS THAT PROVIDE HEALTH BENEFIT PLANS, DISABILITY INCOME PLANS, OR ANY OTHER HEALTH INSURANCE ARE NOT REAL PARTIES IN INTEREST IN ANY PROCEEDING OR SETTLEMENT UNDER THE WORKERS' COMPENSATION ACT AND PROHIBITING INSURERS THAT PROVIDE HEALTH BENEFIT PLANS FROM OFFSETTING AGAINST PROVIDER REIMBURSEMENT ANY CHARGE FOR MEDICAL SERVICES UNLESS THE SPECIFIC MEDICAL CHARGES WERE FOUND TO BE COMPENSABLE ACCORDING TO A FINAL ADJUDICATION UNDER THE WORKERS' COMPENSATION ACT OR A SETTLEMENT AGREEMENT UNDER THE ACT APPROVED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-216.)

S.B. 854, AN ACT TO CODIFY THE JOINT RESOLUTION ACCEPTING PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE, TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, TO CODIFY THESE REMOVALS, TO DELETE CERTAIN LANDS FROM THE STATE PARKS SYSTEM, AND TO PROVIDE THAT A TECHNICAL AMENDMENT TO THE STATE CONSTITUTION RELATING TO ACCEPTANCE AND DEDICATION OF PROPERTY INTO THE STATE NATURE AND HISTORIC PRESERVE SHALL BE SUBMITTED TO A VOTE OF THE PEOPLE AT THE NEXT STATEWIDE PRIMARY ELECTION. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-217.)

S.B. 829, AN ACT TO CLARIFY TREATMENT OF CERTAIN SECURITY INTERESTS CREATED BY THE STATE OR GOVERNMENTAL UNITS OF THE STATE UNDER ARTICLE 9 OF THE NORTH CAROLINA UNIFORM COMMERCIAL CODE. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-218.)

S.B. 342, AN ACT AUTHORIZING COUNTIES TO ADOPT ORDINANCES REGARDING THE NUMBER OF TOILETS TO BE PLACED IN CERTAIN BUILDINGS. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-219.)

H.B. 452, AN ACT TO REVISE AND UPDATE THE EMERGENCY MEDICAL SERVICES ACT OF 1973. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-220.)

H.B. 235, AN ACT TO ALLOW SANITARY DISTRICTS TO ENTER INTO

AGREEMENTS WITH OTHER MUNICIPAL CORPORATIONS OR SANITARY DISTRICTS FOR THE PURPOSE OF DEVELOPING AND IMPLEMENTING AN ECONOMIC DEVELOPMENT PLAN. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-221.)

S.B. 801, AN ACT TO STREAMLINE THE FIREMEN REPORTING REQUIREMENTS. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-222.)

S.B. 459, AN ACT TO AMEND NORTH CAROLINA'S INSURANCE LAWS CONCERNING INSURANCE COMPANY RESERVING METHODS, LICENSING PROVISIONS, REINSURANCE FOR DOMESTIC COMPANIES, DOMESTIC COMPANY FORMATION, SOLVENCY PROTECTION, LIFE INSURANCE COMPANY VARIABLE ACCOUNTS, CONSOLIDATIONS, INVESTMENTS, MUTUAL INSURANCE COMPANIES, REINSURANCE INTERMEDIARIES, MORTGAGE GUARANTY INSURANCE, RISK-BASED CAPITAL REQUIREMENTS, ASSET PROTECTION, FOREIGN INSURANCE COMPANIES, PROMOTING AND HOLDING COMPANIES, HOLDING COMPANY SYSTEMS, SURPLUS LINES INSURANCE, RISK RETENTION GROUPS, INSURANCE COMPANY RECEIVERSHIPS, MANAGING GENERAL AGENTS, SELF-INSURED WORKERS' COMPENSATION, AND CONTINUING CARE RETIREMENT COMMUNITIES; AND TO ALLOW NORTH CAROLINA DOMESTIC INSURANCE COMPANIES TO FORM PROTECTED CELLS TO ACCESS ALTERNATIVE SOURCES OF CAPITAL AND ACHIEVE THE BENEFITS OF SECURITIZATION. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-223.)

S.B. 432, AN ACT TO ALLOW NONPROFIT WATER CORPORATIONS AND THE STATE OF NORTH CAROLINA TO JOIN CERTAIN WATER AND SEWER AUTHORITIES AND CONCERNING THE RIGHT OF SUBSEQUENTLY JOINING MUNICIPALITIES TO HAVE VOTING MEMBERSHIP. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-224.)

S.B. 275, AN ACT TO PROVIDE A LIMITED REGISTRATION PROCEDURE FOR CANADIAN SECURITIES DEALERS AND SALESMEN. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-225.)

S.B. 220, AN ACT TO AMEND THE LAW DEFINING THE TIME STOCK AND OTHER EQUITY INTERESTS IN BUSINESS ASSOCIATIONS ARE PRESUMED ABANDONED FOR PURPOSES OF THE NORTH CAROLINA UNCLAIMED PROPERTY ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 15, 2001–S.L. 2001-226.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 243 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN

WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute No. 3 bill is placed on the Calendar for tomorrow, Tuesday, June 19.

S.B. 898 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE STUDENT CITIZEN ACT OF 2001, for concurrence in the House Committee Substitute bill.

Referred to **Education/Higher Education Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 14, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute, for S.B. 68 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION, TO CLARIFY THE ENFORCEMENT POWERS OF THE COMMISSION, TO REPEAL THE REMOVAL OF THE DEPARTMENT OF CORRECTION FROM THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE, TO MAKE CONFORMING CHANGES FOR THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, AND TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS AND CRIME CONTROL OVERSIGHT COMMITTEE TO STUDY THE COMPOSITION OF THE COMMISSION, and request conferees,

The Speaker appoints:

Representative Baddour
Representative Culpepper, and
Representative Sherrill

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

Respectfully,
S/Denise Weeks
Principal Clerk

APPOINTMENT BY THE GOVERNOR

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

June 18, 2001

June 14, 2001

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §143B-426.37, I hereby appoint Mr. Robert L. Powell to serve as State Controller of the Office of the State Controller and submit his name for confirmation by the North Carolina General Assembly. His term shall begin July 1, 2001 and will expire June 30, 2008.

Enclosed is biographical information on this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,
S/Michael F. Easley

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Shaw of Cumberland for the **Transportation Committee**:

S.B. 901, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDY OF DOT CASH MANAGEMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5721 is adopted and engrossed.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE SCHOOL HEALTH CURRICULUM, referred to the **Education/Higher Education Committee** on March 19.

Pursuant to Rule 47(a), Senator Lucas offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

June 18, 2001

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Swindell, Thomas, Webster, Weinstein and Wellons—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1062 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Swindell, Thomas, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

The Senate Committee Substitute is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 334 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO EXEMPT FROM THE DEFINITION OF EMPLOYER GOVERNMENTAL EMPLOYERS WHO HIRE INTERNS.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 643 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS, with Amendment No. 1 pending.

Senator Horton withdraws Amendment No. 1.

Senator Horton offers Amendment No. 2 which is adopted (42-1).

The Senate Committee Substitute bill, as amended, passes its second (43-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 884 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE.

Senator Ballantine offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 356 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO CLARIFY THE DEFINITION OF COLLECTION AGENCY; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO CONFORM THE LAW ON DECEPTIVE REPRESENTATION BY COLLECTION AGENCIES TO FEDERAL LAW; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES.

The Senate Committee Substitute passes its third reading (44-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWALS FROM COMMITTEES

S.J.R. 707, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RICHARD CLARK, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on March 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, June 20, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, June 20.

H.J.R. 663, A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE, referred to the **Rules and Operations of the Senate Committee** on April 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Wednesday, June 20, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, June 20.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 912 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill and a motion by Senator Rand to appoint conferees having prevailed on June 12, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Rand, Chairman;

and Senator Clodfelter; Senator Ballantine; and Senator Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Carpenter, Senator Shaw of Cumberland, and Senator Weinstein, the Senate adjourns at 7:43 P.M. to meet tomorrow, Tuesday, June 19, at 3:00 P.M.

EIGHTY-FOURTH DAY

Senate Chamber
Tuesday, June 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, Members of the Senate stand at the threshold of some very difficult decisions that must be made in the next weeks. Though it may seem like a long time ago, I recall to them the atmosphere of opening day of this session, the encouragement they felt surrounded by friends and family, the anticipation and expectations that each had.

"May the recollection of that day serve to renew their spirits and attitudes at this time. They have learned that their important calling is built on small deeds done, countless phone calls and e-mails returned, that bearing the burden of others encourages others to help them, that much is accomplished when there is continuity in their words and thoughts, in what is felt in the heart and expressed in their faces. So answer our prayers for renewed strength and a right spirit for the work yet to be finished successfully. Amen."

The Chair grants leaves of absence for today to Senator Ballance and Senator Warren.

Senator Rand announces that the Journal of yesterday, Monday, June 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Ronald Bernard Shealy from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 998, AN ACT TO PROVIDE UNDER STATE LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 636, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 80, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5680, which changes the title to read **S.B. 80** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ANNEXING DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, is adopted and engrossed.

H.B. 838 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST, with a favorable report.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 109, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY, with a favorable report.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 1342 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE, with a favorable report.

WITHDRAWAL FROM COMMITTEE

H.B. 953, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A FELONY TO POSSESS, PASS, OR UTTER COUNTERFEIT UNITED STATES CURRENCY WITH THE INTENT TO DEFRAUD ANOTHER, referred to the **Judiciary II Committee** on April 25.

Pursuant to Rule 47(a), Senator Hagan offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 535 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 20.

H.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS AND TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS.

Referred to **Finance Committee**.

APPOINTMENT BY THE GOVERNOR

State of North Carolina
Office of the Governor
20301 Mail Service Center Raleigh, NC 27699-0301

June 14, 2001

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to General Statute §143B-426.37, I hereby appoint Mr. Robert L. Powell to serve as State Controller of the Office of the State Controller and submit his name for confirmation by the North Carolina General Assembly. His term shall begin July 1, 2001 and will expire June 30, 2008.

Enclosed is biographical information on this appointee. Please feel free to call on him or members of my staff if you need additional information.

With kindest regards, I remain.

Very truly yours,
S/Mike Easley

Referred to **Ways & Means Committee**.

June 19, 2001

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, upon second reading.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, June 20, upon second reading.

S.B. 243 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, for concurrence in the House Committee Substitute bill No. 3.

The Senate fails to concur in the House Committee Substitute bill No. 3 (0-48).

Senator Plyler offers a motion that the Senate appoint conferees, which motion prevails.

Senator Rand announces the appointment of Senator Plyler, Chairman; and Senator Ballantine; Senator Hartsell; and Senator Purcell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

RECOGNITION OF SAINT AUGUSTINE'S COLLEGE TRACK TEAMS

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to the men's and women's track teams from Saint Augustine's College, who won the CIAA National Championship in both men's and women's track. Senator Reeves, Chairman; Senator Carrington; Senator Jordan; Senator Miller and Senator Shaw of Cumberland are appointed to escort the teams and their coach, George Williams, to the Well of the Senate. Coach Williams is recognized to address the Senate and introduces the team members.

The President *Pro Tempore* recognizes the Committee to escort the guests from the Chamber. The guests depart to a standing ovation.

WITHDRAWAL FROM COMMITTEE

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, referred to the **Commerce Committee** on March 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Commerce Committee** and re-referred to the **Ways & Means Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Ways & Means Committee**.

Upon motion of Senator Rand, seconded by Senator Rucho, the Senate adjourns at 3:40 P.M. to meet tomorrow, Wednesday, June 20, at 3:00 P.M.

EIGHTY-FIFTH DAY

Senate Chamber
Wednesday, June 20, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, our words are supposedly so powerful, yet in the ritual and rhythm of life, on some days it seems the more we say the less we are heard. St. Francis of Assisi offered some advise which addresses speaking and not being heard when he wrote, 'Proclaim the good news at all times. If necessary, use words.' Help us so to live! Amen."

The Chair grants a leave of absence for today to Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. James Curtis Gant from Jacksonville, North Carolina, who is serving the Senate as Doctor of the Day, and to Nancy Ruppert from Star, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 689, AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS AND TO INCLUDE ALEXANDER COUNTY AMONG THOSE COUNTIES IN WHICH VACANCIES IN THE OFFICE OF SHERIFF ARE FILLED THROUGH CONSULTATION WITH THE POLITICAL PARTY OF THE PREVIOUS SHERIFF.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 636, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY AND TO REPEAL PRIOR LOCAL ACTS. (Became law upon ratification, June 19, 2001–S.L. 2001-227.)

INTRODUCTION OF A RESOLUTION

By Senators Plyler; and Purcell:

S.J.R. 1102, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WINGATE ON THE TOWN'S 100TH ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee.**

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 598 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT COUNTIES AND MUNICIPALITIES MAY ONLY ENTER INTO CONTRACTS WITH PRIVATELY EMPLOYED INDIVIDUALS OR THEIR EMPLOYERS FOR BUILDING INSPECTION SERVICES FOR SPECIFICALLY DESIGNATED PROJECTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6734 is adopted and engrossed.

H.B. 1067 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6735 is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

H.B. 1448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM PENALTIES FOR LOCAL MEALS TAXES, with a favorable report.

S.B. 446 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 7666, is adopted and engrossed.

H.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF TO LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS BY EXPANDING THE EXCLUSION AMOUNT TO THE GREATER OF TWENTY THOUSAND DOLLARS OR FIFTY PERCENT OF THE PROPERTY'S TAX VALUE AND BY INCREASING THE INCOME ELIGIBILITY TO EIGHTEEN THOUSAND DOLLARS TO BE ADJUSTED BY A COLA PERCENTAGE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 7667 is adopted and engrossed.

H.B. 108 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM, HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, SWAIN, VANCE, AND WARREN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6736, which changes the title to read **H.B. 108** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, is adopted and engrossed.

H.B. 834 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 7656, which changes the title to read **H.B. 834** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, is adopted and engrossed.

By Senator Kinnaird for the **Children & Human Resources Committee**:

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS, with a favorable report.

By Senator Purcell for the **Health Care Committee**:

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

The President extends the privileges of the floor to former Senator Bill Staton from Lee County.

WITHDRAWAL FROM COMMITTEE

S.B. 901 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDY OF DOT CASH MANAGEMENT, referred to the **Appropriations/Base Budget Committee** on June 18.

Pursuant to Rule 47 (a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, upon second reading.

With unanimous consent, upon motion of Senator Miller, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26, upon second reading.

S.J.R. 707, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RICHARD CLARK, FORMER MEMBER OF THE GENERAL ASSEMBLY.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The joint resolution passes its second reading (48-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President extends the courtesies of the gallery to family and friends of Richard Clark: Margaret Clark, his wife; Nancy Clark Smith, his daughter; Maggan Smith, his granddaughter; former Representative Bobby H. Griffin, his law partner, and his wife Norma B. Griffin; Joe P. McCollum, his law partner, and his wife Nola H. McCollum; and law office staff members Sarah B. Starnes; Gracie O. Ratliff; Ellen B. Gibson; and Sandy B. Widenhouse.

WITHDRAWAL FROM COMMITTEE

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NET PROCEEDS FROM THE SALE OF REAL PROPERTY AT DOBBS YOUTH ACADEMY TO BE USED FOR CAPITAL IMPROVEMENTS AT THE ACADEMY, referred to the **Appropriations/Base Budget Committee** on April 4.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for tomorrow, June 21, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for tomorrow, Thursday, June 21.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, for concurrence in House Amendment No. 1.

The bill is placed on the Calendar for tomorrow, Thursday, June 21.

S.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 21.

S.B. 668 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 21.

S.B. 681 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 21.

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY AND THE CITIES OF CHARLOTTE AND CONCORD TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION, for concurrence in House Amendment No. 1.

The bill is placed on the Calendar for tomorrow, Thursday, June 21.

S.B. 823 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, June 21.

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT.

Referred to **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
June 19, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House appoints conferees on Senate Committee Substitute for HB 722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA

VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT.

The Speaker has appointed:

Representative Cox, Chair
Representative McLawhorn,
Representative Tucker, and
Representative Weatherly

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

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
June 19, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 912, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INDEXING, DOCKETING, OR RECORDING OF UNAUTHORIZED CLAIMS OF LIEN AND TO PROVIDE FOR PENALTIES FOR FILING UNAUTHORIZED STATUTORY LIENS, and requests conferees,

The Speaker appoints:

Representative Baddour
Representative Culpepper
Representative Weiss, and
Representative Pope

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

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

S.B. 80 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ANNEXING DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf,

Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 21, upon third reading.

H.B. 838 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 21.

S.B. 535 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

H.B. 109, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

Upon motion of Senator Martin of Pitt, the President extends the courtesies of the gallery to students and faculty of Martin Community College, Williamston, North Carolina.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Dalton**,** the remarks of Senator Webster who rises to a point of personal privilege are spread upon the Journal, as follows:

Senator Webster:

"While you folks are here from Martin Community College, I wanted to make sure that you heard what I've got to say, and you take it back down home with you. I want to tell you that we all appreciate the ice cream that you brought and the display and the things that you do to educate the children, to teach these kids how to make a living. But I wanted you to know and take back with you that my thanks to you are for sending us a man of the gigantically high integrity and character of Bob Martin. I've been here seven years with him and I'll tell you that you don't find a person in this body, on either side -- the House or

the Senate -- like Senator Bob Martin, and I have been very fortunate to get to know him, and I thank you people from down there for sending him up here. Any of you in this body or in the gallery who have never heard his story, his background, you take the time to find out where Uncle Bob came from and where he got his training and where he got his learning. It will be an inspiration to you folks trying to learn what you need to learn to make a living. Thank you, Bob."

H.J.R. 663, A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE.

The joint resolution passes its second (49-0) and third readings and is ordered enrolled.

H.B. 1342 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

With unanimous consent, upon motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 27.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 882, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6730 is adopted and engrossed.

CALENDAR (*continued*)

S.B. 901 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDY OF DOT CASH MANAGEMENT, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (49-0).

Senator Gulley objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, June 21.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 20, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute # 3 to S.B. 243, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, and requests conferees,

The Speaker appoints:

Representative Baddour, Chair;
Representative Weiss,
Representative Ellis,
Representative McMahan, and
Representative Miller

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

Respectfully,
S/Denise Weeks
Principal Clerk

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Kyle Aldridge Black, Durham; Aaron M. Brown, Louisburg; Margaret Ann Coker, Fayetteville; Rebecca Davis, Elizabeth City; Blair Delahooke, Clayton; Brian J. Dellinger, High Point; Julia M. Donaldson, Raleigh; Matthew Joseph Eckler, Eden; Jessica Faye Grant, Oak Island; Allison Marie Griffin, Polkton; Nicole B. Hall, Raleigh; Leia Harris, Raleigh; Shea Harris, Raleigh; Carson S. Jernigan, State Road; Allison Jessup, Raleigh; Stephanie O. John, Raleigh; Brittany Michelle McCoy, Greenville; Ashley Dianne Nixon, Edenton; Ashley Elizabeth Stroka, Lilburn, Georgia; Kimberly Elaine Taft, Fayetteville; and Trudie Kathleen Zucchino, Carthage.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 722 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING

CHIROPRACTIC WITHOUT A LICENSE.

Pursuant to the House having failed to concur in the Senate Committee Substitute and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Soles, Chairman; Senator Plyler and Senator Carpenter as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns at 4:20 P.M. to meet tomorrow, June 21, at 10:00 A.M.

EIGHTY-SIXTH DAY

Senate Chamber
Thursday, June 21, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we have taught ourselves well how to act like adults in life. But let us not forget that we are also your children.

"Like children we come running to the safe arms of you, our loving parents. We come to you today, some of us bring skinned legs and bruised feelings, some of us bring our fears into your light. We all seek your wisdom, your encouraging accepting grace that gives us strength to face the world. And like children, we bring you our love, offering it unashamedly and unreservedly. Thank you for being our holy parent. Amen."

*Prayer of Peggy Haymes from Be Thou Present.

The Chair grants a leave of absence for today to Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Kevin Patrick McMullen from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Denise Korn from Jamestown, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 532 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION,

AND TO REQUIRE NOTICE OF THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED EMPLOYEES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, June 25.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 20, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to H.B. 1246, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, and requests conferees,

The Speaker has appointed:

Representative Bonner, Chair;
Representative Warner, and
Representative Arnold

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

Respectfully,
S/Denise Weeks
Principal Clerk

REPORTS OF COMMITTEES

Bills and a resolution are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1111, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DUTIES OF THE SOIL AND WATER CONSERVATION COMMISSION TO INCLUDE DEVELOPING A PROGRAM REGARDING THE APPROVAL OF TECHNICAL SPECIALISTS AND THE DEVELOPMENT AND APPROVAL OF CERTAIN BEST

MANAGEMENT PRACTICES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3872, which changes the title to read **H.B. 1111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS AND DUTIES OF THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INCLUDE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM TO APPROVE WATER QUALITY AND ANIMAL WASTE MANAGEMENT SYSTEM TECHNICAL SPECIALISTS AND DEVELOPMENT AND APPROVAL OF WATER QUALITY BEST MANAGEMENT PRACTICES, is adopted and engrossed.

H.B. 1312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3871, which changes the title to read **H.B. 1312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, is adopted and engrossed.

By Senator Dannelly for the **Ways & Means Committee**:

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF LORINZO LITTLE JOYNER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 7665, which changes the title to read **S.J.R. 362** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER, is adopted and engrossed.

With unanimous consent, upon motion of Senator Dannelly, the rules are suspended and the joint resolution is placed on today's Calendar.

CALENDAR

Bills on today’s Calendar are taken up and disposed of, as follows:

H.B. 42 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF TO LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS BY EXPANDING THE EXCLUSION AMOUNT TO THE GREATER OF TWENTY THOUSAND DOLLARS OR FIFTY PERCENT OF THE PROPERTY'S TAX VALUE AND BY INCREASING THE INCOME ELIGIBILITY TO EIGHTEEN THOUSAND DOLLAR S TO BE ADJUSTED BY A COLA PERCENTAGE.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, upon second reading.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26, upon second reading.

The Senate recesses at 10:15 A.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 10:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 1068 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3870 is adopted and engrossed.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 824, A BILL TO BE ENTITLED AN ACT PERTAINING TO TEACHERS' AND STATE EMPLOYEES' BENEFITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6737, which changes the title to read **S.B. 824** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER

WORKERS' COMPENSATION, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS, WITH STATE BOARD APPROVAL, TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR", with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3866, which changes the title to read **H.B. 831** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR", is adopted and engrossed.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, June 26.

CALENDAR (*continued*)

H.B. 1067 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.

With unanimous consent, upon motion of Senator Miller, the Senate Committee

Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26, upon second reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 109, AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY.

H.B. 1342, AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE.

And the following bill and resolutions duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 535, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE.

S.J.R. 707, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RICHARD CLARK, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 20.)

H.J.R. 663, A JOINT RESOLUTION HONORING THE MEMORY OF THE VICTIMS OF THE IMPERIAL FOOD PRODUCTS FIRE. (Res. 21.)

CALENDAR (*continued*)

S.J.R. 362 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special message.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.

With unanimous consent, upon motion of Senator Purcell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 26, upon second reading.

WITHDRAWAL FROM CALENDAR

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from the Calendar of June 26 and is placed on the Calendar for Wednesday, June 27.

CALENDAR (*continued*)

S.B. 80 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ANNEXING DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 838 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 882 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF DUCK, upon second reading.

With unanimous consent, upon motion of Senator Basnight, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 668 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 48, noes 0 as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, June 25, for concurrence upon third reading.

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY AND THE CITIES OF CHARLOTTE AND C0NCORD TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (47-0) and the measure is ordered enrolled.

H.B. 1448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM PENALTIES FOR LOCAL MEALS TAXES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 25, upon third reading.

S.B. 446 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS.

The Committee Substitute bill No. 2 passes its second (43-5) and third readings and is ordered sent to the House of Representatives.

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NET PROCEEDS FROM THE SALE OF REAL PROPERTY AT DOBBS YOUTH ACADEMY TO BE USED FOR CAPITAL IMPROVEMENTS AT THE ACADEMY.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 108 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The Senate Committee Substitute bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 598 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT COUNTIES AND MUNICIPALITIES MAY ONLY ENTER INTO CONTRACTS WITH PRIVATELY EMPLOYED INDIVIDUALS OR THEIR EMPLOYERS FOR BUILDING INSPECTION SERVICES FOR SPECIFICALLY DESIGNATED PROJECTS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 901 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE STUDY OF DOT CASH MANAGEMENT.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

S.B. 823 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for Monday, June 25, for concurrence upon third reading.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION, for concurrence in House Amendment No. 1.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 681 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION, placed earlier on today's Calendar.

The Committee Substitute bill passes its second (39-8) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

H.B. 715, A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES, referred to the **Rules and Operations of the Senate Committee** on April 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION, temporarily displaced earlier, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (49-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE, THE PUBLIC UTILITY REGULATORY FEE, AND THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE; TO INCREASE THE NONRESIDENT FEE FOR SEARCHING PUBLIC ARCHIVES; TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE; TO ACCELERATE PAYMENT OF WITHHOLDING TAXES; TO ACCELERATE PAYMENT OF SALES AND UTILITY TAXES; AND TO MAKE THE BOXING COMMISSION INDEPENDENT OF GENERAL FUND SUPPORT.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 21, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to G.S. 115D-2.1(b)(4)f., the House of Representatives has elected and confirmed Walter W. "Dub" Dickson to serve on the State Board of Community Colleges for the unexpired term beginning June 21, 2001, and ending June 30, 2003.

Respectfully,
S/Denise Weeks
Principal Clerk

June 21, 2001

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute for H.B. 1246 and requests conferees, Senator Dalton offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Dalton, Chairman, and Senator Garrou and Senator Horton as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Miller, the Senate adjourns at 11:38 P.M. to meet Monday, June 25, at 7:00 P.M.

EIGHTY-SEVENTH DAY

Senate Chamber
Monday, June 25, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, it is said that we put on our best faces at our places of worship, our worst at our attorney's office and our most truthful faces when sitting on the examining table at our physician's office.

"Forgive us for living with so many masks. The danger, of course, is that if we hide too often, we might forget who we really are! Instead, let us live in full bloom of the gift or gifts with which you have graced us. Then we shall face you and hear the words, 'Well done my good and faithful servants!' Amen."

The Chair grants leaves of absence for tonight to Senator Hartsell, Senator Hoyle, Senator Metcalf, Senator Warren and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Rakesh Kumar Rikhye from Rolesville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 9, AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION.

S.B. 408, AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION.

S.B. 681, AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 860, AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES, TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, AND TO MODIFY THE RESIDENCY REQUIREMENTS FOR A BANK'S BOARD OF DIRECTORS.

H.B. 356, AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO CLARIFY THE DEFINITION OF COLLECTION AGENCY; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO CONFORM THE LAW ON DECEPTIVE REPRESENTATION BY COLLECTION AGENCIES TO FEDERAL LAW; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES.

H.B. 1062, AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 614, AN ACT TO AUTHORIZE THE TOWN OF CARY AND WEDDINGTON AND THE CITIES OF CHARLOTTE, CONCORD, AND MONROE TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION.

H.B. 838, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST.

June 25, 2001

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 535, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO EXERCISE EXTRATERRITORIAL JURISDICTION IN THE CITY'S SPHERE OF INFLUENCE. (Became law upon ratification, June 21, 2001–S.L. 2001-228.)

H.B. 431, AN ACT TO CODIFY THE NEED-BASED SCHOLARSHIP PROGRAM FOR COMMUNITY COLLEGE STUDENTS, TO AMEND THE APPLICATION REQUIREMENTS, AND TO ALLOW THE STATE BOARD OF COMMUNITY COLLEGES TO TARGET A PORTION OF THE FUNDS TO STUDENTS ENROLLED IN HIGH-DEMAND OCCUPATIONS. (Became law upon approval of the Governor, June 21, 2001–S.L. 2001-229.)

S.B. 160, AN ACT TO APPLY THE LIABILITY LIMITATIONS OF THE GOOD SAMARITAN LAW TO CERTAIN MEDICAL CARE PROVIDERS. (Became law upon approval of the Governor, June 21, 2001–S.L. 2001-230.)

S.B. 257, AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE TO GIVE THE SECRETARY OF STATE THE AUTHORITY TO PREVENT FRAUDULENT FILINGS AND TO MAKE CLARIFYING CHANGES. (Became law upon approval of the Governor, June 21, 2001–S.L. 2001-231.)

S.B. 466, AN ACT TO INCREASE THE AMOUNT OF BURIAL EXPENSES COVERAGE UNDER THE WORKERS' COMPENSATION ACT; TO CHANGE A REQUIREMENT IN THE LOSS COSTS RATE-MAKING LAW; AND TO AMEND THE RATE BUREAU APPEAL STATUTE TO PROVIDE THAT MEMBER COMPANIES ARE NOT ALLOWED TO APPEAL BUREAU DECISIONS ON RATES OR LOSS COSTS. (Became law upon approval of the Governor, June 21, 2001–S.L. 2001-232.)

S.B. 543, AN ACT TO AMEND THE CLASSIFICATION OF CERTAIN CONTROLLED SUBSTANCES TO MAKE CONSISTENT WITH FEDERAL LAW GOVERNING CONTROLLED SUBSTANCES. (Became law upon approval of the Governor, June 21, 2001–S.L. 2001-233.)

S.B. 937, AN ACT TO REGULATE THE DEVELOPMENT OF ADULT CARE HOMES UNDER THE CERTIFICATE OF NEED LAW. (Became law upon approval of the Governor, June 21, 2001–S.L. 2001-234.)

H.B. 573, AN ACT TO ELIMINATE THE REQUIREMENT FOR NOTARIZATION OF CAMPAIGN REPORTS. (Became law upon approval of the Governor, June 22, 2001–S.L. 2001-235.)

H.B. 357, AN ACT TO INCREASE THE AMOUNTS OF LIABILITY INSURANCE THAT MAY BE CEDED TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY TO FACILITATE THE PURCHASE OF EXCESS OR UMBRELLA COVERAGE BY MOTOR VEHICLE OWNERS AND TO CLARIFY OTHER LAWS RELATING TO UMBRELLA INSURANCE. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-236.)

H.B. 377, AN ACT TO MAKE CLARIFYING AND OTHER CHANGES TO THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-237.)

S.B. 123, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO ISSUE SPECIAL OBLIGATION BONDS FOR WATER AND SEWER PROJECTS. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-238.)

S.B. 719, AN ACT TO PROVIDE QUICK-TAKE PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-239.)

H.B. 3, AN ACT TO ALLOW THE SECRETARY OF ADMINISTRATION AND STATE AGENCIES TO ADD A PERCENT INCREASE TO BIDS OF NONRESIDENT BIDDERS WHERE THE NONRESIDENT BIDDERS' HOME STATES GRANT PREFERENCES TO IN-STATE BIDDERS. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-240.)

S.B. 468, AN ACT TO PROVIDE FOR GUIDELINES, RIGHTS, AND OBLIGATIONS IN WORKERS' COMPENSATION INSURANCE POLICY CANCELLATIONS AND NONRENEWALS. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-241.)

S.B. 714, AN ACT TO AMEND THE DEFINITION OF "AMBULATORY SURGICAL FACILITY" BY REDUCING THE NUMBER OF REQUIRED OPERATING ROOMS FROM TWO TO ONE AND TO AMEND THE DEFINITION OF "NEW INSTITUTIONAL HEALTH SERVICE" BY INCLUDING CONSTRUCTION, DEVELOPMENT, ESTABLISHMENT, INCREASE IN NUMBER, OR RELOCATION OF AN OPERATING ROOM OR OPERATING ROOMS AND TO EXTEND THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN TO ALL OPERATING ROOMS AND TO REPEAL S.L. 2000-135. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-242.)

S.B. 573, AN ACT TO CLARIFY THAT NONRESIDENTS MAY PARTICIPATE IN THE PARENTAL SAVINGS TRUST FUND. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-243.)

S.B. 811, AN ACT TO ENSURE THAT THE PARENTS OR GUARDIANS OF STUDENTS WHO ARE SUSPENDED OR EXPELLED FROM SCHOOL RECEIVE NOTICE THAT IS EASY TO UNDERSTAND. (Became law upon approval of the Governor, June 23, 2001–S.L. 2001-244.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 353 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX

DEBTS, for concurrence in the House Committee Substitute bill No. 2.

Referred to **Finance Committee**.

S.B. 534 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, June 26.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 668 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS, for concurrence in the House Committee Substitute bill, upon third reading.

The House Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Wellons—42.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 1448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM PENALTIES FOR LOCAL MEALS TAXES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Wellons—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1068 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

The Senate Committee Substitute passes its second (43-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1111 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS AND DUTIES OF THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INCLUDE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM TO APPROVE WATER QUALITY AND ANIMAL WASTE MANAGEMENT SYSTEM TECHNICAL SPECIALISTS AND DEVELOPMENT AND APPROVAL OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The Senate Committee Substitute passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1312 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

The Senate Committee Substitute passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 823 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Wellons—44.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 532 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, AND TO REQUIRE NOTICE OF THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED EMPLOYEES, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (43-0) and the measure is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Soles, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 722 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE, Senate Commerce Committee Substitute Adopted 6/6/01, submit the following report:

The House concurs in the Senate Committee Substitute and the House and Senate agree to the following amendments:

On page 1, lines 18 through 23, by rewriting those lines to read:

"~~The Lieutenant Governor~~ The General Assembly, upon the recommendation of the President Pro Tempore of the Senate, shall appoint to the Board one member who shall have been a resident of and licensed to practice veterinary medicine in this State for not less than five years preceding ~~his~~ the appointment. The General Assembly, upon the recommendation of the Speaker of the House of Representatives, shall appoint to the Board one member who shall have been a legal resident of and registered as a veterinary technician in this State for not less than five years preceding the appointment.";

On page 2, lines 5 and 6, by deleting "President Pro Tempore of the Senate" and substituting "General Assembly, upon the recommendation of the Speaker of the House of Representatives,";

On page 2, line 3, by adding the following between lines 3 and 4 and renumbering the succeeding sections accordingly:

"SECTION 2. G.S. 20-182(c) reads as rewritten:

'(c) All members serving on the board on June 30, 1981, shall complete their respective terms. The Governor shall appoint the public member not later than July 1, 1981. No member appointed to the Board by the Governor, ~~Lieutenant Governor or Speaker of the House of Representatives~~ Lieutenant Governor, Speaker of the House of Representatives, or General Assembly on or after July 1, 1981, shall serve more than two complete consecutive five-year terms, except that each member shall serve until his successor is appointed and qualifies.'"

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

Date conferees approved report: June 25, 2001.

June 25, 2001

Conferees for the Senate	*Conferees for the House of Representatives*
S/ R.C. Soles, Jr., Chair	S/ A. Leslie Cox, Jr., Chair
S/ Aaron W. Plyler	S/ Marian N. McLawhorn
S/ Robert C. Carpenter	S/ Russell E. Tucker
	S/ John Weatherly

The Conference Report is placed on the Calendar for tomorrow, Tuesday, June 26 for adoption.

WITHDRAWAL FROM COMMITTEE

S.B. 762, A BILL TO BE ENTITLED AN ACT TO ENSURE FAIRNESS IN THE NORTH CAROLINA STATEWIDE TESTING PROGRAM, referred to the **Appropriations/Base Budget Committee** on April 23.

Pursuant to Rule 47(a), Senator Lucas offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Education/Higher Education Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Kenneth Anderson, New Bern; Sara Elizabeth Brown, Cherryville; Elizabeth Clarke, Charlotte; Derek Clayton, Washington; Thomas H. Finch, III, Fayetteville; Jonathan Hancock, Winston-Salem; Gena Danielle Harrell, Hertford; Lindsey Anne Hill, Goldsboro; Catherine Collins Jones, Tabor City; Quintin R. Mallette, Greenville; Jason Lee Mozingo, Kinston; Lindsey Brooke Parker, Lumberton; Andrew Patrick, Asheville; Alexander Byrd Punger, Winston-Salem; Thomas Fleming Taft, Greenville; Ashford Thomas, Greensboro; Eldon James Treadwill, Greenville; Ty Tysinger, Greensboro; Morgan Maria Vance, Kinston; Brooke LeAnne Wade, Ayden; Jacob Paul Warner, Colfax; Laura Wheeler, Raleigh; Katherine Hardy Young, Greenville; and Amanda Gail Zeddy, Greensboro.

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 7:36 P.M. to meet tomorrow, June 26, at 3:00 P.M.

EIGHTY-EIGHTH DAY

Senate Chamber
Tuesday, June 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, some of us struggle with a difficult issue by grabbing with both hands and shaking and twisting and turning and pushing and shoving and not giving in until we wrestle an answer from it all as Jacob did a blessing from an angel. But another way to struggle with an issue is simply to take a leap of faith and find ourselves being led slowly but surely to the answers you have for us, to watch the answers unfold before our eyes but still be a part of the process. This new way requires so much trust not to be reaching out like Jacob for the old arm and hand holds. Most of us already know how to wrestle. Teach us the new way, too. Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt, Senator Shaw of Cumberland, Senator Warren and Senator Weinstein.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, June 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Neal Hamilton Guffey, Jr. from Kernersville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sylvia Ledford from Valdese, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 532, AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, AND TO REQUIRE NOTICE OF THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED EMPLOYEES.

S.B. 823, AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY.

H.B. 1448, AN ACT TO PROVIDE UNIFORM PENALTIES FOR LOCAL MEALS TAXES.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 668, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CARY AND WEDDINGTON AND THE CITIES OF CHARLOTTE, CONCORD, AND MONROE TO EXPEND FUNDS ON ROADS OUTSIDE THE CORPORATE LIMITS AND FOR PARTICIPATION IN CONSTRUCTION OF ROADS OUTSIDE THE

CORPORATE LIMITS BY THE DEPARTMENT OF TRANSPORTATION. (Became law upon ratification, June 25, 2001–S.L. 2001-245.)

H.B. 838, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST. (Became law upon ratification, June 25, 2001–S.L. 2001-246.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 831 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 28.

Upon the appearance of Senator Martin of Pitt in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

WITHDRAWAL FROM COMMITTEE

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS, re-referred to the **Appropriations/Base Budget Committee** on May 16.

Pursuant to Rule 47 (a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

CALENDAR (*continued*)

H.B. 1067 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.

With unanimous consent, upon motion of Senator Miller, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 3.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 983, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES, with a favorable report.

H.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN CERTIFIED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DATE ELECTORS ARE TO MEET, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 5722, which changes the title to read **H.B. 31** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN PROCLAIMED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DAY BEFORE ELECTORS ARE TO MEET, is adopted and engrossed.

H.B. 980 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CHILDREN OF A VOTER TO ACCOMPANY THE VOTER INTO THE VOTING ENCLOSURE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 1673 is adopted and engrossed.

H.B. 1041 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6740 is adopted and engrossed.

H.B. 218 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE

DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 7668, which changes the title to read **H.B. 218** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DOUBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

H.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS CONCERNING CERTAIN TYPES OF DEPOSIT ACCOUNTS IN NORTH CAROLINA TO MAKE THEM MORE UNDERSTANDABLE TO CONSUMERS AND TO MAKE THEM MORE FLEXIBLE IN MEETING CONSUMER PREFERENCES, with a favorable report.

S.B. 1066, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1671 is adopted and engrossed.

Upon motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

CALENDAR (*continued*)

S.B. 534 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled.

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, upon second reading, as amended by the Finance Committee.

Senator Soles offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Webster and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Wednesday, June 27, upon third reading.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF

CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.

Senator Horton offers Amendment No. 1 which fails of adoption (23-24).

Senator Horton offers Amendment No. 2 which fails of adoption (17-30).

Senator Ballantine offers Amendment No. 3 which fails of adoption (21-26).

Senator Ballantine offers Amendment No. 4.

Senator Rand offers a motion that Amendment No. 4 do lie upon the table, seconded by Senator Martin of Guilford.

The motion prevails (30-16) and Amendment No. 4 lies upon the table.

Senator Rand calls the previous question on the passage of the bill, seconded by Senator Gulley. The call is sustained (27-18).

The bill passes its second reading (26-21).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the measure placed on the Calendar for tomorrow, Wednesday, June 27, upon third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 42, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

The Senate recesses at 4:12 P.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 4:40 P.M..

RECESS

The Senate meets pursuant to recess and is called to order by Senator Basnight, President *Pro Tempore*.

The Chair grants a leave of absence for the remainder of today's session to Senator Gulley.

The President Pro Tempore extends the courtesies of the gallery to former Senator Leslie Winner of Mecklenburg County.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 680 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS,

DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS AND TO AMEND THE LAWS REGARDING GUN SHOWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 6731, is adopted and engrossed.

By Senator Plyler for the **Appropriations/Base Budget Committee**:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 5723, which changes the title to read **S.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF LAW, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 395 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, June 27.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 26, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to H.B. 1312, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS, and requests conferees,

The Speaker has appointed:

Representative Gibson, Chair
Representative Warwick, and
Representative Culp,

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

Respectfully,
S/Denise Weeks
Principal Clerk

WITHDRAWAL FROM COMMITTEE

S.B. 314, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENVIRONMENTAL/AGRICULTURAL LAWS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1312 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

Pursuant to the message from the House of Representatives received today that the House fails to concur in the Senate Committee Substitute bill for HB 1312 and requests conferees, Senator Albertson offers a motion that the Senate appoint conferees.

Senator Basnight, President *Pro Tempore,* announces the appointment of Senator Albertson, Chairman, and Senator Odom and Senator Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

H.B. 722 (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC

EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE, for adoption.

Upon motion of Senator Soles, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS, placed earlier on today's Calendar.

The Committee Substitute bill passes its third reading (44-0) and is ordered enrolled and sent to the Governor.

Upon motion of Senator Ballance, seconded by Senator Odom, the Senate adjourns at 4:54 P.M. to meet tomorrow, Wednesday, June 27, at 3:00 P.M.

EIGHTY-NINTH DAY

Senate Chamber
Wednesday, June 27, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty and Loving God, as I looked around last night at the dinner sponsored by the Sergeant-at-Arms staff, I was reminded of the Apostle Paul's words, 'Indeed the body does not consist of one member but many heads, arms, feet and legs. As it is, there are many members yet one body, all integral to the health of the body.'

"I know that the Lieutenant Governor and Senators would join me today in a prayer of gratitude for all the work done to make this Senate body operate efficiently, from the receptionists who greet people at the front door to the Principal Clerk and her staff, the Sergeant-at-Arms and his staff, all the pages that come from all over the State, and all the Legislative Assistants in each Senator's office.

"We are grateful for all the good and able work done by all the different members of the Senate family which is so important, as Paul said, to the health of the body. Amen."

The Chair grants a leave of absence for today to Senator Warren.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, June 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Charles Dulaney Harr from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Saundra Best from Roxboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 343, AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 534, AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS.

BILLS ORDERED SENT TO GOVERNOR

Without objection, upon motion of Senator Rand, beginning today through the end of this week, all Enrolled Bills ordered sent to the Governor will be sent by special message including **H.B. 343** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS, ordered sent to the Governor yesterday, June 26.

CALENDAR

A bill on today's Calendar is taken up and disposed of, as follows:

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lucas for the **Education/Higher Education Committee**:

H.B. 545, A BILL TO BE ENTITLED AN ACT TO GIVE TEACHERS CREDIT FOR THE EXCESS PERSONAL LEAVE TIME THAT THEY EARN, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 8662 is adopted and engrossed.

Upon motion of Senator Lucas, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 968, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO PROVIDE FOR THE DEFENSE OF AND TO PAY JUDGMENTS AGAINST SOIL AND WATER CONSERVATION SUPERVISORS AND EMPLOYEES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 7671 is adopted and engrossed.

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 593, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6742 is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

S.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAW GOVERNING PARTNERSHIPS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendments No. 1 and No. 2 are adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 275 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 5724 is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 27, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Hill and Hackney have been added as conferees to Senate Committee Substitute for H.B. 1312, A BILL TO BE ENTITLED AN ACT TO EXTEND THE

MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT SYSTEMS.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 440 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA, as amended by the Finance Committee and on second reading, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The Committee Substitute bill No. 2 is sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

Senator Odom offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 680 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS, MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE ASSOCIATIONS AND TO AMEND THE LAWS REGARDING GUN SHOWS.

Senator Odom offers Amendment No. 1 which is adopted (49-0).

Senator Berger offers Amendment No. 2.

Senator Ballantine offers Amendment No. 3, a substitute Amendment to Amendment No. 2.

Senator Odom offers a motion that Amendment No. 3 do lie upon the table, seconded by Senator Rand. The motion prevails (32-17) and Amendment No. 3 lies upon the table.

Senator Odom offers a motion that Amendment No. 2 do lie upon the table, seconded

by Senator Rand. The motion prevails (32-17) and Amendment No. 2 lies upon the table.

Senator Webster offers a motion that the Committee Substitute bill No. 2 do lie upon the table, seconded by Senator Horton. The motion fails to prevail (14-33).

Senator Webster offers a motion to divide the question, pursuant to Senate Rule 28. The President rules the motion out of order.

Senator Odom calls the previous question on the passage of the bill, seconded by Senator Wellons. The call is sustained (32-15).

The Committee Substitute bill No. 2, as amended, passes its second (31-17) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 31 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN CERTIFIED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DATE ELECTORS ARE TO MEET.

The Senate Committee Substitute bill passes its second (44-5) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 218 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS.

The Senate Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 980 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CHILDREN OF A VOTER TO ACCOMPANY THE VOTER INTO THE VOTING ENCLOSURE.

The Senate Committee Substitute passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 983, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, June 28.

H.B. 1041 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH.

The Senate Committee Substitute bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS CONCERNING CERTAIN TYPES OF DEPOSIT ACCOUNTS IN NORTH CAROLINA TO MAKE THEM MORE UNDERSTANDABLE TO

CONSUMERS AND TO MAKE THEM MORE FLEXIBLE IN MEETING CONSUMER PREFERENCES.

The Committee Substitute bill passes its second (48-1) and third readings and is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Jordan.

H.B. 63, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.

The bill passes its third reading (25-23) and is ordered enrolled and sent to the Governor by special message.

S.B. 395 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—45.

Voting in the negative: Senators Ballantine, Berger and Webster—3.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, June 28, for concurrence upon third reading.

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, for concurrence in House Amendments No. 1, No. 2, and No. 3.

Upon motion of Senator Kerr, the Senate fails to concur in House Amendments No. 1, No. 2, and No. 3 (0-48).

Senator Kerr offers a motion that the Senate appoint conferees, which motion prevails.

CONFERENCE REPORT

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1312 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), AND TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS, submits for adoption the following report:

June 27, 2001

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1312, A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), AND TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/21/01, submit the following report:

The House of Representatives and the Senate agree to the following amendments to the Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/21/01 and the House of Representatives concurs in the Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/21/01 as amended:

On page 1, lines 7 through 13, rewrite those lines to read:

"AND TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS.";

On page 4, line 31, through page 5, line 11, delete those lines; and renumber the succeeding sections of the bill accordingly.

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

Date conferees approved report: June 27, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Charles W. Albertson	S/ Pryor A. Gibson III
S/ Fletcher L. Hartsell, Jr.	S/ Arlie F. Culp
S/ T.L. "Fountain" Odom	Nurham O. Warwick
	S/ Joe Hackney
	S/ Dewey L. Hill

With unanimous consent, upon motion of Senator Albertson, the rules are suspended and the conference report is placed on today's Calendar for immediate consideration.

Upon motion of Senator Albertson, the Senate adopts the conference report (48-0).

The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

June 27, 2001

CONFERENCE REPORT

Senator Plyler, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 243 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 243, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, Eighth Edition Engrossed 6/14/01, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, Eighth Edition Engrossed 6/14/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S243-PCCS6741-SB-1.

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

Date conferees approved report: June 27, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Aaron W. Plyler	S/ Phillip A. Baddour
S/ Patrick J. Ballantine	S/ J. Samuel Ellis
S/ Fletcher L. Hartsell, Jr.	S/ William E. McMahan
S/ William R. Purcell	S/ Paul Miller
	S/ Jennifer Weiss

The text of the attached Proposed Conference Committee Substitute S243-PCCS6741 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

"(d) This ~~act~~ section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, High Point, Rocky Mount, Wilmington, Greenville, and Lumberton, ~~and~~ to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, and ~~Pineville~~ Pineville, and to the municipalities in Union County.~~only.~~"

SECTION 2. G.S. 160A-300.1 is amended by adding a new subsection to read:

"(c1) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation."

SECTION 3. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.2. Use of traffic control photographic systems in Wake County.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subsection (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Any traffic control photographic system installed on a street or highway shall be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. If a municipality adopts an ordinance pursuant to this section then, notwithstanding G.S. 20-176, a violation of G.S. 20-158 detected only by a traffic control photographic system shall not be an infraction. If a violation of G.S. 20-158 is detected by both a law enforcement officer and a traffic control photographic system, the officer may charge the offender with an infraction. If the officer charges the offender with an infraction, a civil penalty issued by the municipality for the same offense is void and unenforceable. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after receiving notification of the violation, furnishes the office of the mayor of the municipality that issued the citation:

a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle;

b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or

c. A statement that the person who received the citation is not the owner or driver of the vehicle, or that the person who received the citation was not

driving a vehicle at the time and location designated in the citation.

(2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars ($50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.

(3) The owner of the vehicle shall be issued a citation that shall be attached to photographic evidence of the violation that identifies the vehicle involved. The citation shall clearly state the manner in which the violation may be challenged. The owner of the vehicle shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to a civil penalty not to exceed one hundred dollars ($100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

(4) The municipality shall establish a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The municipality may establish an appeals panel composed of municipal employees to review objections. If the municipality does not establish an appeals panel composed of municipal employees, the mayor of the municipality shall review and make a final decision on all objections.

(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.

(f) A municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease-purchase, or purchase of the system. The municipality may enter into only one contract for the lease, lease-purchase, or purchase of the system and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the municipality or the system shall be removed and returned to the contractor.

(g) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the use of the system.

(h) This section applies only to the municipalities in Wake County. For purposes of this section, a municipality is in Wake County if fifty-one percent (51%) or more of the land area of the municipality lies within Wake County."

SECTION 4. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.3. Use of traffic control photographic systems in the City of Concord.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs,

video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Any traffic control photographic system installed on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation:

a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or

b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars ($50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.

(3) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars ($100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

(4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.

(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics

Section of the North Carolina Department of Transportation.

(f) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the use of the system.

(g) This section applies only to the City of Concord."

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

The Conference Report is placed on the Calendar for Thursday, June 28, for adoption.

WITHDRAWAL FROM COMMITTEE

S.B. 353 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, referred to the Finance Committee on June 25.

With unanimous consent, upon motion of Senator Kerr, the House Committee Substitute bill No. 2 is withdrawn from the **Finance Committee** and is placed on today's Calendar for immediate consideration.

Upon motion of Senator Kerr, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-48).

Senator Kerr offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE.

Pursuant to the Senate having failed to concur in House Amendments No. 1, No. 2 and No. 3 earlier today and Senator Kerr's motion to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Kerr, Chairman; and Senator Albertson; Senator Garwood; and Senator Hoyle as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 353 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

Pursuant to the Senate having failed to concur in House Committee Substitute No. 2 earlier today and Senator Kerr's motion to appoint conferees having prevailed, Senator Basnight, President *Pro Tempore,* announces the appointment of Senator Kerr, Chairman; and Senator Hartsell; Senator Hoyle; and Senator Odom as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 4:42 P.M. subject to receipt of messages from the House of Representatives, to meet tomorrow, Thursday, June 28, at 10:00 A.M.

June 27, 2001

NINETIETH DAY

Senate Chamber
Thursday, June 28, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, just before his death, Rabbi Zusya said with much wisdom, 'In the world to come God will not ask me, why were you not Moses or Abraham or Elijah? God will ask me, why were you not Zusya?'

"Help us, O God, this day and each day to try to be more like ourselves and thankful for our uniqueness. Then use our best selves to your work in the world. Amen."

The Chair grants leaves of absence for today to Senator Robinson and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, June 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Edward Louis Treadwell from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Deborah Steele from Walnut Cove, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 217, AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE.

H.B. 63, AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS.

H.B. 1098, AN ACT TO AMEND THE LAWS CONCERNING CERTAIN TYPES OF DEPOSIT ACCOUNTS IN NORTH CAROLINA TO MAKE THEM MORE UNDERSTANDABLE TO CONSUMERS AND TO MAKE THEM MORE FLEXIBLE IN MEETING CONSUMER PREFERENCES.

And the following bill and a resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 80, AN ACT ANNEXING DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK.

S.J.R. 362, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF ROBERT L. POWELL AS STATE CONTROLLER. (Res. 22.)

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 668, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF BURGAW AND TO REPEAL PRIOR LOCAL ACTS. (Became law upon ratification, June 26, 2001 - S.L. 2001-247.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
June 27, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee substitute for **S.B. 353** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, and requests conferees,

The Speaker appoints:

Representative Allen, Chair;
Representative Luebke,
Representative Wainwright, and
Representative Buchanan

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

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
June 28, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on **H.B. 1312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), AND TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS, it is ordered that a

message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

S.B. 824 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Upon motion of Senator Rand, the Senates fails to concur in the House Committee Substitute bill (0-44).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Rand, Chairman; and Senator Dannelly; Senator Forrester; Senator Hagan; Senator Hoyle and Senator Plyler as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAW GOVERNING PARTNERSHIPS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 275 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

H.B. 593 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS.

The Senate Committee Substitute passes its second (39-9) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM CALENDAR

With unanimous consent, upon motion of Senator Rand, all bills on the Calendar for Monday, July 2, are withdrawn and placed on the Calendar for Tuesday, July 3.

The Senate recesses at 10:45 A.M. to reconvene at 11:15 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

CALENDAR (*continued*)

H.B. 831 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

The Senate Committee Substitute bill passes its second reading (42-5).

Senator Gulley objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 234, A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 2001, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1674, which changes the title to read **S.B. 234** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF STATE TO NOTIFY LIMITED LIABILITY COMPANIES OF THE ANNUAL REPORT FILING REQUIREMENT AND TO EARMARK A PORTION OF THE ANNUAL REPORT FILING FEE FOR THIS PURPOSE, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 247, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO GOVERNMENT FINANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6744, which changes the title to read **S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 1276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6745 is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 275 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES, re-referred to the **Judiciary II Committee** earlier today.

Pursuant to Rule 47(a), Senator Hagan offers a motion that the Senate Committee Substitute bill be withdrawn from the **Judiciary II Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Judiciary II Committee** and places it on today's Calendar.

CALENDAR (*continued*)

H.B. 968, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO PROVIDE FOR THE DEFENSE OF AND TO PAY JUDGMENTS AGAINST SOIL AND WATER CONSERVATION SUPERVISORS AND EMPLOYEES.

The Senate Committee Substitute passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 983, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor by special message.

S.B. 395 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on third reading, by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—44.

Voting in the negative: Senators Berger, Rucho and Webster—3.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 12.

S.B. 243 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, for adoption.

Upon motion of Senator Plyler, the Senate adopts the Conference Report (47-1).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

The Chair grants a leave of absence for the remainder of today's session to Senator Kerr.

H.B. 275 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES, placed earlier on today's Calendar.

Senator Horton announces a pair vote. If Senator Kerr were present, he would vote "aye"; Senator Horton votes "no".

The Senate Committee Substitute bill passes its second reading (43-3). Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 2, upon third reading.

The Senate recesses at 12:09 P.M. to reconvene at 2:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Allran, Senator Bingham, Senator Carrington, Senator Forrester, Senator Garwood, Senator Hartsell, Senator Moore, Senator Reeves, Senator Shaw of Guilford, Senator Thomas, Senator Webster and Senator Weinstein.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 28, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 824, A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION, and requests conferees,

The Speaker appoints:

Representative Wright,
Representative Redwine,
Representative Thompson,
Representative Nye,
Representative Easterling, and
Representative Oldham

on the part of the House to confer with a like committee appointed by the Senate to the end that the difference arising may be resolved.

Respectfully,
S/Denise Weeks
Principal Clerk

The Chair grants a leave of absence for the remainder of today's session to Senator Rucho.

CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 824 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 824, A BILL TO BE ENTITLED AN ACT

PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION, House Committee Substitute Favorable 6/26/01, submit the following report:

The House and the Senate agree to the following amendment to the Senate Committee Substitute, Rules and Operations of the Senate Committee Substitute Adopted 6/21/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute S824-CCSLN-1[v.5].

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

Date conferees approved report: June 28, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Anthony E. Rand	S/ Thomas Wright
S/ Aaron W. Plyler	S/ David Redwine
S/ David W. Hoyle	S/ Edd Nye
S/ Kay R. Hagan	S/ Ruth M. Easterling
S/ Charlie S. Dannelly	S/ Gregory J. Thompson
James S. Forrester	S/ Warren C. Oldham

The text of the attached Proposed Conference Committee Substitute S824-CCSLN-1[v.5] is as follows:

A BILL TO BE ENTITLED

AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Effective July 1, 2002, G.S. 135-39.5 is amended by adding the following new subdivision to read:

"§ 135-39.5. Powers and duties of the Executive Administrator and Board of Trustees.

The Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall have the following powers and duties:

…

(26) Increasing annually the amount of the annual deductible and annual aggregate maximum deductible. The increase shall be established by determining the ratio of the CPI-Medical Index to such index one year earlier. If the ratio indicates an increase in the CPI-Medical Index, then the amount of the annual deductible and annual aggregate maximum deductible may be increased by not more than the percentage increase in the CPI-Medical Index. As used in this subdivision, the term 'CPI-Medical Index' means the U.S. Consumer Price Index for All Urban Consumers for Total Medical Care."

SECTION 1.(b) G.S. 135-40.1(2) reads as rewritten:

"(2) Deductible. – Deductible shall mean an amount of covered expenses during a fiscal year which must be incurred after which benefits (subject to the deductible) becomes payable. The deductible for an employee, retired employee and/or his or her dependents shall be ~~two hundred fifty dollars ($250.00)~~ three hundred fifty dollars ($350.00) for each fiscal year.

The deductible applies separately to each covered individual in each fiscal year, subject to an aggregate maximum of ~~seven hundred fifty dollars ($750.00)~~ one thousand fifty dollars ($1,050) per ~~family (employee or retiree and his or her covered dependents)~~employee and child(ren) or employee and family coverage contract in any fiscal year.

If two or more family members are injured in the same accident only one deductible is required for charges related to that accident during the benefit period."

SECTION 1.(c) G.S. 135-40.4(a) reads as rewritten:

"(a)In the event a covered person, as a result of accidental bodily injury, disease or pregnancy, incurs covered expenses, the Plan will pay benefits up to the amounts described in G.S. 135-40.5 through G.S. 135-40.9.

The Plan is divided into two parts. The first part includes certain benefits which are not subject to a deductible or coinsurance. The second part is a comprehensive plan and includes those benefits which are subject to both a ~~two hundred fifty dollars ($250.00)~~three hundred fifty dollar ($350.00) deductible for each covered individual to an aggregate maximum of ~~seven hundred fifty dollars ($750.00)~~ one thousand fifty dollars ($1,050) per ~~family~~ employee and child(ren) or employee and family coverage contract and coinsurance of 80%/20%. There is a limit on out-of-pocket expenses under the second part.

Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan may contract with providers of institutional and professional medical care and services to established preferred provider networks. The design, adoption, and implementation of such preferred provider contracts and networks are not subject to the requirements of Chapter 143 of the General Statutes, provided that for any hospital preferred provider network all hospitals will have an opportunity to contract with the Plan if they meet the contract requirements. The Executive Administrator and Board of Trustees shall, under the provisions of G.S. 135-39.5(12), pursue such preferred provider contracts on a timely basis and shall make reports as requested to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits on its progress in negotiating such preferred provider contracts. The Executive Administrator and Board of Trustees shall implement a refined diagnostic-related grouping or diagnostic-related grouping-based reimbursement system for hospitals as soon as practicable, but no later than January 1, 1995."

SECTION 1.(d) G.S. 135-40.5(d) is repealed.

SECTION 1.(e) G.S. 135-40.5(g) reads as rewritten:

"(g)Prescription Drugs. – The Plan's allowable charges for prescription legend drugs to be used outside of a hospital or skilled nursing facility are to be determined by the Plan's Executive Administrator and Board of Trustees. The Plan will pay allowable charges for each outpatient prescription drug less a copayment to be paid by each covered individual equal to the following amounts: pharmacy charges up to ten dollars ($10.00) for each generic prescription, ~~fifteen dollars ($15.00)~~ twenty-five dollars ($25.00) for each branded prescription, and ~~twenty dollars ($20.00)~~thirty-five dollars ($35.00) for each branded prescription with a generic equivalent drug, and ~~twenty-five dollars ($25.00)~~ forty dollars ($40.00) for each branded or generic prescription not on a formulary used by the Plan.

Allowable charges shall not be greater than a pharmacy's usual and customary charge to the general public for a particular prescription. Prescriptions shall be for no more than a 34-day supply for the purposes of the copayments paid by each covered individual. By accepting the copayments and any remaining allowable charges provided by this subsection, pharmacies shall not balance bill an individual covered by the Plan. A prescription legend drug is defined as an article the label of which, under the Federal Food, Drug, and Cosmetic Act, is required to bear the legend: "Caution: Federal Law Prohibits Dispensing Without Prescription." Such articles may not be sold to or purchased by the public without a prescription order. Benefits are provided for insulin even though a prescription is not required. The Plan may use a pharmacy benefit manager to help manage the Plan's outpatient prescription drug coverage. In managing the Plan's outpatient prescription drug benefits, the Plan and its pharmacy benefit manager shall not provide coverage for erectile dysfunction, growth hormone, antiwrinkle, weight loss, and hair growth drugs unless such coverage is medically necessary to the health of the member. The Plan and its pharmacy benefit manager shall not provide coverage for growth hormone and weight loss drugs and antifungal drugs for the treatment of nail fungus and botulinium toxin without approval in advance by the pharmacy benefit manager. Any formulary used by the Plan's Executive Administrator and pharmacy benefit manager shall be an open formulary. Plan members shall not be assessed more than two thousand five hundred dollars ($2,500) per person per fiscal year in copayments required by this subsection."

SECTION 1.(f) The first paragraph of G.S. 135-40.6 reads as rewritten: "The ~~following~~ benefits provided in this section are subject to a deductible of ~~two hundred fifty dollars ($250.00)~~ three hundred fifty dollars ($350.00) per covered individual to an aggregate maximum of ~~seven hundred fifty dollars ($750.00)~~ one thousand fifty dollars ($1,050) per ~~family~~ employee and child(ren) or employee and family coverage contract per fiscal year and are payable on the basis of eighty percent (80%) by the Plan and twenty percent (20%) by the covered individual up to a maximum of one thousand ~~dollars ($1,000)~~ five hundred dollars ($1,500) out-of-pocket per fiscal ~~year:~~year. The aggregate maximum out-of- pocket required of individuals covered by this section shall not be more than four thousand five hundred dollars ($4,500) per employee and child(ren) or employee and family coverage contract per fiscal year."

SECTION 1.(g) G.S. 135-40.6(1)f. reads as rewritten:

"(1) In-Hospital Benefits. – The Plan pays in-hospital benefits for each single confinement, when charged by a hospital, for room accommodations, including bed, board and general nursing care, but not to exceed the charge for semiprivate room or ward accommodations, or the rate negotiated for the Plan. Under the DRG reimbursement system, the coinsurance shall be based on the lower of the DRG amount or charges.

The Plan will pay the following covered charges, when charged by a hospital, for each confinement.

…

f. ~~Physical~~ Physical, speech, and occupational therapy."

SECTION 1.(h) G.S. 135-40.6(3) reads as rewritten:

"(3) Skilled Nursing Facility Benefits. – The Plan will pay benefits in a skilled nursing facility licensed under applicable State laws for not more than 100 days per fiscal year for the same reason, as follows:

After discharge from a hospital for which inpatient hospital benefits were provided by this Plan for a period of not less than three days, and treatment consistent with the same illness or condition for which the covered individual was hospitalized, the daily charges will be paid for room and board in a semiprivate room or any multibed unit up to the maximum benefit specified

in subsection (1) of this section, less the days of care already provided for the same illness in a hospital. Plan allowances for total daily charges may be negotiated but will not exceed the daily semiprivate hospital room rate as determined by the Plan.

Credit will be allowed toward private room charges in an amount equal to the facility's most prevalent charge for semiprivate accommodations. Charges will also be paid for general nursing care and other services which would ordinarily be covered in a general hospital. In order to be eligible for these benefits, admission must occur within 14 days of discharge from the hospital.

In order to qualify for benefits provided by a skilled nursing facility, the following stipulations apply:

a. The services are medically required to be given on an inpatient basis because of the covered individual's need for medically necessary skilled nursing care on a continuing daily basis for any of the conditions for which he or she was receiving inpatient hospital services prior to transfer from a hospital to the skilled nursing facility or for a condition requiring such services which arose after such transfer and while he or she was still in the facility for treatment of the condition or conditions for which he or she was receiving inpatient hospital services,

b. Only on prior referral by and so long as, the patient remains under the active care of an attending doctor and the patient requires continual hospital confinement without the care and treatment of the skilled nursing facility, and

c. Approved in advance by the Claims Processor.

For facilities not qualified for delivery of services covered by the benefits of Title XVIII of the Social Security Act (Medicare), neither the Plan nor any of its members shall be billed or held liable by such facilities for charges that otherwise would be covered by Medicare."

SECTION 1.(i) G.S. 135-40.6(8)e. reads as rewritten:

"e. Prosthetic and Orthopedic Appliances and Durable Medical Equipment: Appliances and equipment including corrective and supportive devices such as artificial limbs and eyes, wheelchairs, traction equipment, inhalation therapy and suction machines, hospital beds, braces, orthopedic corsets and trusses, not more than three hundred fifty dollars ($350.00) for therapeutic shoes for diabetes and other high-risk conditions, and other prosthetic appliances or ambulatory apparatus which are provided solely for the use of the participant. Eligible charges include repair and replacement when medically necessary. Benefits will be provided on a rental or purchase basis at the sole discretion of the Claims Processor and agreements to rent or purchase shall be between the Claims Processor and the supplier of the appliance.

For the purposes of this subdivision, the term "durable medical equipment" means standard equipment normally used in an institutional setting which can withstand repeated use, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of an illness or injury and is appropriate for use in the home. Decisions of the Claims Processor, the Executive Administrator and Board of Trustees as to compliance with this definition and coverage under the Plan shall be final."

SECTION 1.(j) G.S. 135-40.6(8)m. reads as rewritten:

"m. Cardiac Rehabilitation: Charges not to exceed ~~six hundred fifty dollars ($650.00)~~ the lesser of one thousand eight hundred dollars ($1,800) or

90 days per fiscal ~~year for cardiac testing and exercise therapy, when determined medically necessary by an attending physician and approved by the Claims Processor for patients with a medical history of myocardial infarction, angina pectoris, arrhythmias, cardiovascular surgery, hyperlipidemia, or hypertension,~~year. Coverage is limited to patients with Coronary Artery Bypass Graft (CABG), status/post myocardial infarction, Percutaneous Transliminal Coronary Angioplasty (PTCA) or stent, valve replacement, heart transplant, or chronic and disabling angina provided such ~~charges are incurred~~services are provided within six months of the qualifying event and in a medically supervised facility fully certified by the North Carolina Department of Health and Human Services."

SECTION 1.(k) G.S. 135-40.6(9)f. reads as rewritten:

"(9) Limitations and Exclusions to Other Covered Charges. – No benefits are available under this section of the Plan until full utilization is made of similar benefits available under other sections of this Plan.

No benefits will be payable for:

…

f. Eyeglasses or other corrective lenses (except for cataract lenses certified as medically necessary for aphakia persons), hearing aids, braces for teeth, dental plates or bridges or other dental prostheses, air-conditioners, vaporizers, humidifiers, mattresses (other than as supplied with a hospital bed) and specially built shoes (other than attached to artificial limbs or orthopedic ~~braces);~~braces, and other than therapeutic shoes for diabetes or other high-risk conditions);"

SECTION 1.(l) G.S. 135-40.6A(b) reads as rewritten:

"(b)The Executive Administrator and Board of Trustees may establish procedures to require prior medical approvals for the following services:

(1) Skilled Nursing Facility ~~Care (after the initial 30 days);~~Care.

(2) Private Duty ~~Nursing;~~Nursing.

(3) Speech Therapy (unless rendered in an inpatient ~~hospital);~~hospital).

(4) Physical Therapy (in the ~~home);~~home).

(7) Surgical Procedures:

a. Blepharoplasties

b. Surgery for Hermaphroditism

c. Excision of Keloids

d. Reduction Mammoplasty

e. Morbid Obesity Surgery

f. Penile Prosthesis

g. Excision of Gynecomastia

h. Cochlear Implants

i. Revision of the Nasal Structure

j. Abdominoplasty

k. Fimbrioplasty

l. Tubotubal ~~Anastomasis.~~Anastomasis

m. Varicose Vein Surgery.

(8) Subcutaneous injection of "filling" material (Example: zyderm, ~~silicone); and~~ silicone).

(8a) Botulinium toxin.

(9) Suction Lipectomy.

(10) Outpatient prescription drugs requiring prospective review under the Plan's pharmacy benefit management program.

(11) Outpatient prescription drugs for growth hormone, weight loss, and antifungal drugs for the treatment of nail fungus."

SECTION 1.(m) G.S. 135-40.8 reads as rewritten:

"§ 135-40.8. Out-of-pocket expenditures.

(a) For the balance of any fiscal year after each eligible employee, retired employee, or dependent satisfies the cash deductible, the Plan pays eighty percent (80%) of the eligible expenses outlined in G.S. 135-40.6. ~~The covered individual is then responsible for the remaining twenty percent (20%) until one thousand dollars ($1,000), in excess of the deductible, has been paid out of pocket.~~ The remaining twenty percent (20%) is paid by the covered individual until one thousand five hundred dollars ($1,500) per covered individual up to an aggregate of four thousand five hundred dollars ($4,500) per employee and child(ren) or employee and family coverage contract per fiscal year in excess of the deductible has been paid out of pocket. The Plan then pays one hundred percent (100%) of the remaining covered expenses.

~~(b) Where a covered individual fails to obtain a second surgical opinion as required under the Plan, or where a covered individual elects to have a surgery performed that conflicts with a majority opinion of the rendered consultations that the surgery requiring a second or third surgical opinion is not necessary, the covered individual shall be responsible for fifty percent (50%) of the eligible expenses, provided, however, that no covered individual shall be required to pay, in addition to the expenses in subsection (a) above out- of-pocket in excess of five hundred dollars ($500.00) per fiscal year.~~

(c) Notwithstanding any other provision of this Article, on the first day of each confinement the Plan does not pay the first ~~seventy-five dollars ($75.00)~~ one hundred dollars ($100.00) of the room accommodation charge allowable under G.S. 135-40.6(1). Any readmission within 60 days after discharge for the same reason shall be considered the same confinement for the purpose of this subsection. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(c1) Notwithstanding any other provision of this Article, the Plan does not pay the first fifty dollars ($50.00) of the facility fees and ancillary charges for allowable charges exceeding five hundred dollars ($500.00) per episode of care for hospital outpatient departments and ambulatory surgical facilities under G.S. 135-40.6(4). Readmission within 30 days after discharge for the same reason shall be considered the same episode of care for the purpose of this subsection. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(c2) Notwithstanding any other provision of this Article, the Plan does not pay the first one hundred dollars ($100.00) of allowable emergency room charges when admission to a hospital pursuant to the emergency room use does not immediately follow. This subsection shall apply only when less costly alternative means of emergency medical care are reasonably available as determined by the Executive Administrator and Board of Trustees. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of-pocket costs.

(c3) Notwithstanding any other provision of this Article, the Plan does not pay for the first fifteen dollars ($15.00) of allowable charges for each home, office, or skilled nursing facility visit under the provisions of G.S. 135-40.6(7)a. and b., G.S. 135-40.6(4), G.S. 135-40.6(8)e.(IV therapy), i., j., k., n., r., and s., and G.S. 135- 40.5(e). The copayment assessed by this subsection shall be assessed only once per person per provider per day and shall not apply to laboratory, pathology, and radiology services. The exclusion made under this subsection shall not count toward the deductible nor toward the maximum amount of coinsurance out-of- pocket costs.

(d) Where a network of qualified preferred providers of inpatient and outpatient

hospital care is reasonably available for use by those individuals covered by the Plan, use of providers outside of the preferred network shall be subject to a twenty percent (20%) coinsurance rate up to five thousand dollars ($5,000) per fiscal year per covered individual up to an aggregate of fifteen thousand dollars ($15,000) per employee and child(ren) or employee and family coverage contract per fiscal year in addition to the general coinsurance percentage and maximum fiscal year amount specified by G.S. 135-40.4 and G.S. 135-40.6."

SECTION 1.(n) G.S. 135-40.9 reads as rewritten:

"§ 135-40.9. Maximum benefits.

The maximum lifetime benefit for each covered individual will be ~~two million dollars ($2,000,000).~~ five million dollars ($5,000,000)."

SECTION 1.(o) G.S. 135-40.6(2)g. is repealed.

SECTION 1.(p) G.S. 135-40.6(7)a. reads as rewritten:

"(7) Medical Benefits.–

a. Services of Doctors. – The Plan pays the usual, reasonable and customary charges for covered inpatient medical (nonsurgical) services. Services are covered if the individual is hospital-confined and is eligible for hospitalization benefits as described in this section. Benefits are provided for exactly the same number of days as the individual is entitled to under this section, except that medical benefits are provided on both the day of admission and the day of discharge

In the event a covered individual is treated by two or more co-attending doctors during the same hospital confinement for a medical (nonsurgical) condition, benefits are limited to payment for services provided by the primary attending doctor, except where need is established for supplementary skills for treatment of separate and distinct diagnoses or conditions.

Home, office, and skilled nursing facility visits including (i) charges for injected medications, (ii) inpatient care by attending medical doctors, radiologists, pathologists, and consultants during such time as hospital benefits are paid under any section of this Plan, (iii) care in the outpatient department of a hospital, and (iv) administration of shock therapy (drug or electric) including the services of anesthesiologists provided on an office or hospital outpatient basis for treatment of acute psychotic reaction or severe depression. ~~The Plan does not cover the first ten dollars ($10.00) of allowable charges for each home, office, or skilled nursing facility visit.~~"

SECTION 1.(q) Effective January 1, 2002, G.S. 135-39.5(12) reads as rewritten:

"§ 135-39.5. Powers and duties of the Executive Administrator and Board of Trustees.

The Executive Administrator and Board of Trustees of the Teachers' and State Employees' Comprehensive Major Medical Plan shall have the following powers and duties:

…

"(12) Determining basis of payments to health care providers, including payments in accordance with G.S. 58-50-56. The Plan shall comply with G.S. 58-3-225."

SECTION 1.(r) G.S. 135-39.8 reads as rewritten:

"§ 135-39.8. Rules and regulations.

The Executive Administrator and Board of Trustees may issue rules and regulations to implement Parts 2, 3, 4, and 5 of this Article. The Executive Administrator and Board of Trustees shall provide to all employing units, all health benefit representatives, the

oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a rule or regulation, and to any other persons requesting a written description and approved by the Executive Administrator and Board of Trustees written notice and an opportunity to comment not later than 30 days prior to adopting, amending, or rescinding a rule or regulation, unless immediate adoption of the rule or regulation without notice is necessary in order to fully effectuate the purpose of the rule or regulation. Rules and regulations of the Board of Trustees shall remain in effect until amended or repealed by the Executive Administrator and Board of Trustees. The Executive Administrator and Board of Trustees shall provide a written description of the rules and regulations issued under this section to all employing units, all health benefit representatives, the oversight team provided for in G.S. 135-39.3, all relevant health care providers affected by a rule or regulation, and to any other ~~parties~~ persons requesting a written description and approved by the Executive Administrator and Board of Trustees ~~to receive a description~~ on a timely basis."

SECTION 1.(s) The Plan shall develop as soon as practicable a prospective payment system for the payment of hospital outpatient services and the services of ambulatory surgical facilities. In developing this prospective payment system, the Plan shall make use of the expertise of the North Carolina Hospital Association, including any advisory committees of member hospitals that the Association may name, and ambulatory surgical facilities in this State. In addition, the Plan shall develop as soon as practicable a medical fee schedule for the payment of professional health care services. The fee schedule shall be developed with the expertise of the North Carolina Medical Society, the North Carolina Academy of Family Physicians, and any other groups of professional medical service providers that the Society may wish to include. Any prospective payment system for hospital outpatient services and the services of ambulatory surgical facilities and a medical fee schedule for the providers of professional medical services shall not be implemented by the Plan before July 1, 2003.

SECTION 2. Notwithstanding G.S. 97-26, payment for medical treatment and services rendered to workers' compensation patients by a hospital on or after July 1, 2001, and before August 1, 2001, shall be equal to the payment the hospital would have received for such treatment and services on June 30, 2001.

SECTION 3. Except as otherwise provided, this act becomes effective July 1, 2001.

With unanimous consent, upon motion of Senator Rand, the Conference Report is placed before the Senate for immediate consideration.

Senator Foxx announces a pair vote. If Senator Rucho were present, he would vote "aye"; Senator Foxx votes "no".

Upon motion of Senator Rand, the Senate adopts the Conference Report (25-4).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Purcell for the **Health Care Committee**:

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-

STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 1672 is adopted and engrossed.

Upon motion of Senator Purcell, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

The Senate recesses at 4:18 P.M. to reconvene at 5:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 1005 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Plyler, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Upon motion of Senator Plyler, the Senate fails to concur in the House Committee Substitute bill.

Senator Plyler offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Lee, Senator Odom, and Senator Plyler, Co-Chairs; and Senator Albertson; Senator Ballance; Senator Carter; Senator Clodfelter; Senator Dalton; Senator Dannelly; Senator Garrou; Senator Gulley; Senator Hagan; Senator Harris; Senator Hoyle; Senator Jordan; Senator Kerr; Senator Lucas; Senator Martin of Guilford; Senator Martin of Pitt; Senator Metcalf; Senator Miller; Senator Purcell; Senator Rand; Senator Reeves; Senator Warren; Senator Weinstein; and Senator Wellons as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
June 28, 2001

June 28, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information the House has adopted the report of the Conferees on S.B. 824, A BILL TO BE ENTITLED AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report earlier today, the President orders the bill enrolled and sent to the Governor by special message.

Upon motion of Senator Basnight, seconded by Senator Foxx, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Monday, July 2, at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 42, AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

S.B. 395, AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES.

S.B. 824, AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION.

H.B. 983, AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES.

H.B. 1312, AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE

MANAGEMENT SYSTEMS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 534, AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT FOR CERTAIN PUBLIC STORM DRAINAGE SYSTEM AND PUBLIC INTERSECTION OR ROADWAY IMPROVEMENTS WITHOUT COMPLYING WITH THE BID LAWS. (Became law upon ratification, June 27, 2001 - S.L. 2001-248.)

S.B. 80, AN ACT ANNEXING DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF BRUNSWICK. (Became law upon ratification, June 28, 2001 - S.L. 2001-249.)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 6:22 P.M.

NINETY-FIRST DAY

Senate Chamber
Monday, July 2, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, as prayer tonight, I'm reminded of the story about a lady who approached the visiting seminary professor after he had preached in her church. Extending her hand she said, 'When you were introduced as a professor, I'll have to admit I wasn't expecting much from you -- you know what they say about professor types. But sir, you preached a great sermon! As I listened it didn't sound like you had any education at all!'

"Like the professor, we all spend some time dispelling myths about our vocations. The best way to do it, I think O God, is to speak the truth in love and speak it plainly. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Clodfelter and Senator Warren.

Senator Rand announces that the Journal of Thursday, June 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Malcolm Perry Parada from Salisbury, North Carolina, who is serving the Senate as Doctor of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the

following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 42, AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND TO EXTEND EXPIRING PROVISIONS OF LAW. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-250.)

H.B. 343, AN ACT REMOVING SUNSET PROVISIONS RELATING TO THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA AND MAKING OTHER AMENDMENTS. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-251.)

S.B. 217, AN ACT TO EXTEND THE TIME FOR THE NORTH CAROLINA UTILITIES COMMISSION TO ADOPT FINAL RULES REGARDING UNIVERSAL SERVICE. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-252.)

S.B. 824, AN ACT PERTAINING TO BENEFITS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN; AND TO HOSPITAL RATES UNDER WORKERS' COMPENSATION. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-253.)

H.B. 1312, AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION OF SWINE FARMS, TO PROVIDE FOR THE ISSUANCE OF GENERAL PERMITS FOR ANIMAL WASTE MANAGEMENT SYSTEMS UNDER ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), TO EXTEND THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE MANAGEMENT SYSTEMS. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-254.)

S.B. 1075, AN ACT TO AMEND THE DEFINITION OF THE TERMS "QUALIFIED INDIVIDUAL" AND "TISSUE BANK" IN THE UNIFORM ANATOMICAL GIFT ACT. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-255.)

H.B. 998, AN ACT TO PROVIDE UNDER STATE LAW A MIRROR AS TO FEDERAL LAW ON WHEN A SOCIAL SECURITY NUMBER CAN BE REQUIRED TO BE PROVIDED. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-256.)

H.B. 689, AN ACT TO AUTHORIZE TENNESSEE VALLEY AUTHORITY OFFICERS TO PROVIDE ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN THE SAME MANNER AS OTHER FEDERAL LAW ENFORCEMENT OFFICERS AND TO INCLUDE ALEXANDER COUNTY AMONG THOSE COUNTIES IN WHICH VACANCIES IN THE OFFICE OF SHERIFF ARE FILLED THROUGH CONSULTATION WITH THE POLITICAL PARTY OF THE PREVIOUS SHERIFF. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-257.)

H.B. 109, AN ACT TO AUTHORIZE REIMBURSEMENT FOR LICENSED MARRIAGE AND FAMILY THERAPISTS UNDER THE STATE HEALTH PLAN FOR THE TREATMENT OF MENTAL HEALTH AND CHEMICAL DEPENDENCY. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-258.)

H.B. 1342, AN ACT TO PROVIDE FOR TIME LIMITS FOR NOTIFICATION OF LEASED VEHICLE PARKING VIOLATIONS AND THE APPLICABILITY OF THE PRIMA FACIE RULE OF EVIDENCE. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-259.)

WITHDRAWAL FROM COMMITTEE

S.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BUILDING CODE COUNCIL TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS, referred to the **Commerce Committee** on April 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Rand, seconded by Senator Miller, the Senate adjourns at 7:06 P.M. to meet tomorrow, July 3, at 3:00 P.M.

NINETY-SECOND DAY

Senate Chamber
Tuesday, July 3, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, a little girl and her mother visited a sculptor's studio each day, watching the artist carve a lion out of a huge block of marble. Finally, one day the animal's figure was clear, and the child recognized what it was. She turned to her mother and said, 'Mom, how did that man know there was a lion in there?'

"Members of the Senate and House will be sculpting a budget for our State in the coming days. Guide that process, O God, so that in the end, those of us who are merely observers may say with appreciation and even surprise, 'How did they know that budget was in there?' Amen."

The Chair grants a leave of absence for today to Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Wayne Brown Wooten from Salisbury, North Carolina, who is serving the Senate as Doctor of the Day, and to Debra Davis from Salisbury, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 269, AN ACT TO AMEND THE DEFINITION OF INVESTMENT ADVISER REPRESENTATIVE; TO ALLOW MULTIPLE REGISTRATION OF INVESTMENT ADVISER REPRESENTATIVES FOR CERTAIN PURPOSES; AND TO REVISE THE REGISTRATION AND NOTICE FILING PROCEDURES.

H.B. 334, AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO EXEMPT FROM THE DEFINITION OF EMPLOYER GOVERNMENTAL EMPLOYERS WHO HIRE INTERNS.

H.B. 643, AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS.

H.B. 884, AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 532, AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, AND TO REQUIRE NOTICE OF THE DISMISSAL, DEMOTION, OR SUSPENSION WITHOUT PAY OF NONCERTIFIED EMPLOYEES. (Became law upon approval of the Governor, June 29, 2001–S.L. 2001-260.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY, with a favorable report.

H.B. 1286, A BILL TO BE ENTITLED AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION, with a favorable report.

H.B. 385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY

REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 8661 is adopted and engrossed.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hagan for the **Judiciary II Committee**:

H.B. 75, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE APPELLATE DIVISION REPORTS TO THE CHEROKEE SUPREME COURT, with a favorable report.

H.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEIZED FIREARMS MAY BE USED BY LAW ENFORCEMENT AGENCIES FOR OFFICIAL LAW ENFORCEMENT PURPOSES, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1276 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.

With unanimous consent, upon motion of Senator Metcalf, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 9.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives transmitting a bill and resolutions which are read the first time and disposed of, as follows:

H.J.R. 467 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF NEILL MCKAY ROSS, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to **Rules and Operations of the Senate Committee**.

H.J.R. 1460, A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY.

Referred to **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
July 2, 2001

July 3, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on S.B. 243, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT. It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for SB 243 on June 28, the President orders the bill enrolled and sent to the Governor.

CALENDAR (*continued*)

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 4.

H.B. 1067 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.

Senator Miller offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Chair grants a leave of absence for the remainder of today's session to Senator Albertson.

H.B. 275 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.

The Senate Committee Substitute passes its third reading (44-4) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 831 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

Senator Gulley offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute passes its third reading (46-2) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.B. 934, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PUBLIC FINANCING OF CAMPAIGNS FOR APPELLATE JUDGES, referred to the **Rules and Operations of the Senate Committee** on April 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
July 3, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in House Amendments No. 1, No. 2, and No. 3 to **S.B. 352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND TO ADDITIONAL REAL PROPERTY THE LIEN THAT ATTACHES IF A PERSON FAILS TO REMEDY A PUBLIC HEALTH NUISANCE, and requests conferees, the Speaker appoints:

July 3, 2001

Representatives Baddour, Chair
Representative Haire,
Representative Miller, and
Representative Justus

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

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 3, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to S.B. 1005, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, and requests conferees,

The Speaker appoints: Representatives Easterling, Oldham, Redwine, and Thompson, Chairs; Representatives Allen, Baddour, Boyd-McIntyre, Buchanan, Cole, J. Crawford, Culpepper, Dedmon, Earle, Esposito, Fox, Gulley, Hackney, Haire, Jeffus, Justus, Luebke, Miner, Morgan, Nye, Owens, Rogers, Sherrill, Smith, Tolson, Tucker, Wainwright, Wright, Yongue

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

Respectfully,
S/Denise Weeks
Principal Clerk

APPOINTMENT OF ADDITIONAL CONFEREE

S.B. 1005 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Robinson as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 4:23 P.M. to meet tomorrow, July 4, at 3:00 P.M.

NINETY-THIRD DAY

Senate Chamber
Wednesday, July 4, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, your hand has made and preserved our Nation. Grant that all of us may appreciate and understand what it is we celebrate today: how bitterly our freedom was won, the installments that have been made since this Republic was born and the price that must yet be paid for our liberty.

"May freedom be seen, not as the right to do as we please, but as the opportunity to be pleased by doing what is right. May it be understood that our liberty is under you, O God, and can be found nowhere else. And may our faith be something that is not merely stamped on our coins, but expressed in our lives. On this July 4, 2001, we thank you for the gift of freedom. Amen."

*A prayer of Peter Marshall, July 3, 1947, U.S. Senate

The Chair grants leaves of absence for today to Senator Carrington, Senator Hagan and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, July 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 243, AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

S.B. 365, AN ACT TO PROVIDE FOR ELECTRONIC LISTING OF BUSINESS PERSONAL PROPERTY FOR AD VALOREM TAXES AND TO ALLOW COUNTIES TO EXTEND THE LISTING PERIOD FOR ELECTRONIC LISTING.

H.B. 598, AN ACT TO REPEAL THE REQUIREMENT THAT COUNTIES AND MUNICIPALITIES MAY ONLY ENTER INTO CONTRACTS WITH PRIVATELY EMPLOYED INDIVIDUALS OR THEIR EMPLOYERS FOR BUILDING INSPECTION SERVICES FOR SPECIFICALLY DESIGNATED PROJECTS.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

July 4, 2001

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 5725 is adopted and engrossed.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 10.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY.

With unanimous consent, upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 10.

H.B. 1286, A BILL TO BE ENTITLED AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 10.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Basnight**,** the remarks of Senator Martin of Pitt who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Martin of Pitt:

"Thank you Mr. Chairman. I hope that you are not anxious enough to go home that you walk out on me, but I appreciate it and I appreciate Marc asking me to do this because in the words of Tom Brokaw of NBC who said that the World War II generation was The Greatest Generation of this nation's history, and I think that a lot of us of that generation believe it because if you had seen, and if you had been here, the younger generations, or even the older generations that have passed, now there were some very uneasy times. The future and the very hopes of this Nation, what it was founded for and what it was intended for and what it had been, had an opportunity to survive because at the time it looked like maybe it would not survive. As Marc has said, we had a family of five children and my youngest brother at that time in the late '30's, not having anything to do, walking the streets of Bethel looking like possibly he would get into trouble or get with the wrong crowd and turn to ways we would not tolerate in our home, was more or less the father of the household at that time, in 1938 and 1939. I had come home from Oxford and I was supporting, I was the father of the household. My mother, of course, was living and we

had three other children with us and it looked like he might be going bad and I was talking to him from time to time trying to keep him straight. I let him have my car and things like that, trying to keep him happy and trying to keep him industrious because he had no way, there was nothing to be offered to him other than to just do the best we could and that's what we were doing to survive. He decided along with three or four other boys around town to go to the Navy. He talked to me about it and I suggested that he do that by all means which he finally did. Well, he joined the Navy and went through the usual training and he was assigned to the U.S.S. West Virginia, the battleship, which was the flagship of the Pacific fleet at Pearl Harbor on the morning of December 7, 1941 when it was bombed by the Japanese Navy. Of course, as you know, the targets of the Japanese at that time was to get to the big battleships and they destroyed most of them. I think there were four or five of them out of the seven almost completely destroyed, and he swam ashore. He said he literally swam back to the shore in the ocean of fires. It looked like the whole ocean was burning up because of the fuel oil that was burning on the water. It was so intense and so hot but he survived that. Later on, he was sent back to the States and he asked for reassignment and he was then assigned to a tanker, a new tanker that was being constructed, as soon as it was constructed. The fleet was in hiding at that time, what little they had left of the fleet, because they were afraid to even let the Japs know where they were or anything because of the fact that they didn't have much. They couldn't contend with them in any way at all and so they were hiding and moving around the best they could in secret, and he was going on the tanker that was fueling the Navy at that time. On the morning of February 7, 1942, on the way to meet the fleet, they had made a rendezvous with the fleet where to meet them at in the Pacific several miles off the Wake Islands somewhere, they were struck by a Japanese torpedo and the boat sank in about an hour and they abandoned ship and they lost about 40% of the personnel on the destroyer and he was one of the survivors. He stayed in the water, I believe he said, for eight and a half hours, and he even had sailors to float by him half destroyed, half torn to pieces. They had no torso other than what was in the life jacket, and then they were picked up eight and half hours later. The only reason they were picked up and the only reason they went to look for them was that they had supposed to rendezvous so they in turn went and looked for them. They knew the course they were taking and it so happened that they found the survivors and picked them up. They carried them back to the coast again. He asked for another reassignment and he was reassigned then to submarine tender. He had quite an experience with that. They needed experience, other personnel in the Navy. So he asked for reassignment and went back to the West Coast and then he was reassigned again and he was on another ship, and he was on a minesweeper that helped sweep the mines out of the Port when they were fixing to invade that in the latter days of the war. He returned to the States after the war, after three sinkings, and after surviving that. He talked to me, he wrote to me as a father and he talked to me a great deal after the experience in the war. He determined, he said, after the first battleship at Pearl Harbor and especially after the tanker escapade in the Pacific off Wake Island that he was not going to make it anyway so he might as well go ahead and be a part of it, so every time he went back to the coast for reassignment he asked for duty and that's what he got. He was in Japan with the surrender group that went over to accept the Japanese surrender, and he said that out of all the people that he saw there he happened to run into the two other boys that I spoke about earlier that were in the process of loping around town with nothing to do and getting into trouble who went into the Navy with him. There were three boys from Bethel, a little town of 360 people at that time, I mean, there in the harbor and you often think about the price they paid and what they paid and their experience and what it took for us to be successful in World War II. He had come back home and he had spent twenty some years in the Navy. He spent eighteen years in civil service. He was in training. He trained people in navigation and what have you. He was a Chief Petty Officer. At one

time in his career they tried to get him to move up. They needed officers so badly but he wouldn't do it because he said to me, 'Listen Bob, I run this ship, I'm not going to leave that after seven years and just be a junior officer.' So he stuck to that and then after about eighteen in civil service and thirty-eight, forty years, he got on in age and he lost his wife in February of this year and Sunday morning, I saw him Saturday before last in Oxford in the parade, and we had a casual conversation, and I saw him later on in the day. But after that, that was the last I've seen of him and he was found in his apartment Sunday morning. He had a dinner appointment with a lady and he didn't show and she knew possibly something was wrong with him and they went to the apartment and found him lying on the bed in his pajamas and bedroom shoes. He had died. But I will say that and again, Marc, I appreciate your thinking about J. C. and us. Out of the whole family now, out of five kids, I'm the last one that's left, and I was the middle one, two of them younger than I am, they died last year. In fact, we lost out of our family the whole family practically, except for one of my older brothers, lost all of us within the last eight months. Also included in that is my youngest brother's wife, J. C.'s wife, who I'm telling you about now. His wife died in February and he had plans for the future but I'd say this, and I think about his experience, I think about others' experiences, Dr. Forrester and others who have been connected with the military and I think about what Tom Brokaw said about that generation, and this being July 4, the day that we accept as the day that we proclaimed not only our freedom but our way of life as we know it in the United States and sometimes, I must be getting old because I think we're losing just about everything that we have stood for and just about everything that we had gained and just about everything this Nation should be standing for today, but to think about the life of J. C. and my brother. He paid the price and I think about the thousands of people that we dismissed as casualties and say we lost two million people during World War II either casualties or either death. We think nothing of these figures but when we personalize it and we think about how it affects us and those who have paid the price that these fellows, boys and girls, ladies and gentlemen of the armed forces, the price that they paid, I think that this should be the greatest July 4 this Nation has ever seen. I hope that these few remarks will make you concentrate more and think more about our freedom, what it stands for, and how we are using it today. We're not doing it right. We ought to turn around and do it better. Thank you, Marc and members, for listening to this story."

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 817 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BUILDING CODE COUNCIL TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 3875, which changes the title to read **S.B. 817** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS, is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 307, A BILL TO BE ENTITLED AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD, with a favorable report.

H.B. 363, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3876 is adopted and engrossed.

CALENDAR (*continued*)

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALLOCATE THE PROCEEDS OF THE CLEAN WATER BONDS AND TO DELAY ISSUANCE OF THE BONDS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 75, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE APPELLATE DIVISION REPORTS TO THE CHEROKEE SUPREME COURT.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEIZED FIREARMS MAY BE USED BY LAW ENFORCEMENT AGENCIES FOR OFFICIAL LAW ENFORCEMENT PURPOSES.

The Committee Substitute bill passes its second (46-0) reading.

Senator Ballance objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, July 5.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
July 4, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on H.B. 722, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H.B. 108, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CAMDEN, CHEROKEE, CURRITUCK, GRAHAM, HAYWOOD, JACKSON, MADISON, PASQUOTANK, PERQUIMANS, SWAIN, VANCE, AND WARREN COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, and requests conferees, the Speaker has appointed:

Representative Haire, Chair;
Representative Hackney,
Representative Baddour, and
Representative Buchanan

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

Respectfully,
S/Denise Weeks
Principal Clerk

House of Representatives
July 4, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for H.B. 1068, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO

DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM, and requests conferees, the Speaker has appointed:

Representative Nye, Chair;
Representative Edwards, and
Representative Sherrill

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

Respectfully,
S/Denise Weeks
Principal Clerk

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Elizabeth Allran, Hickory; Brittney Boggs, Marion; Jason E. Bunch, Raleigh; Melody Butler, Wendell; Elizabeth G. Cunningham, North Wilkesboro; Martha Dale, Englehard; Meghan Edmisten, Rocky Mount; Patrick Eglinton, New Bern; Shannon Elizabeth Fyfe, Raleigh; Timothy Edward Garrett, New Bern; Kelli Denese Hall, Hope Mills; Jennifer Lauren Hester, Mooresville; Ashley Regina Hill, Fayetteville; Colin Kelly, Sanford; Andrew Winston Marvin, Winston-Salem; Patrick Brian Phillips, Hickory; Hunter Pruitt, Greenville; Abigail Reaves, Browns Summit; Kathryn Serra, Gastonia; Margaret Skinner, Raleigh; and Melissa Lynne Warren, Kinston.

Upon motion of Senator Basnight, seconded by Senator Martin of Pitt, the Senate adjourns at 3:45 P.M. to meet tomorrow, Thursday, July 5, at 10:00 A.M.

NINETY-FOURTH DAY

Senate Chamber
Thursday, July 5, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, as we go about the busyness and the business of today, may we seek you with all of our minds, and figure out a way to love you with all of our hearts, and follow you with all that we are, not for any hope of gain or prize to be earned, but because we are your children. You have loved us and like a parent, you have called each of us here by name, and that is enough reason to so live this day. Amen."

The Chair grants leaves of absence for today to Senator Ballantine, Senator Berger, Senator Carrington, Senator Carter, Senator Dalton, Senator Garrou, Senator Garwood, Senator Hagan, Senator Hartsell, Senator Hoyle, Senator Metcalf, Senator Rucho, Senator

Soles, Senator Warren and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, July 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Marion Palmer from Tryon, North Carolina, who is serving the Senate as Doctor of the Day, and to Susan Todd from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 75, AN ACT TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE APPELLATE DIVISION REPORTS TO THE CHEROKEE SUPREME COURT.

H.B. 722, AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE.

H.B. 1111, AN ACT TO EXPAND THE POWERS AND DUTIES OF THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INCLUDE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM TO APPROVE WATER QUALITY AND ANIMAL WASTE MANAGEMENT SYSTEM TECHNICAL SPECIALISTS AND DEVELOPMENT AND APPROVAL OF WATER QUALITY BEST MANAGEMENT PRACTICES.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT.

Referred to **Commerce Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

S.B. 367 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 9.

S.B. 559 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 9.

S.B. 653 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 9.

S.B. 1023 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 9.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 817 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS.

The Committee Substitute bill No. 2 passes its second (33-0) and third readings and is ordered sent to the House of Representatives.

H.B. 307, A BILL TO BE ENTITLED AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD.

The bill passes its second (33-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State and Local Government Committee**.

H.B. 335 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SEIZED FIREARMS MAY BE USED BY LAW ENFORCEMENT AGENCIES FOR OFFICIAL LAW ENFORCEMENT PURPOSES.

With unanimous consent, upon motion of Senator Miller, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

WITHDRAWALS FROM COMMITTEES

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES, referred to the **State and Local Government Committee** today, July 5.

Pursuant to Rule 47(a), Senator Robinson offers a motion that the Senate Committee Substitute bill be withdrawn from the **State and Local Government Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **State and Local Government Committee** and places it before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second reading (33-0).

Senator Kerr objects to third reading of the measure. Upon motion of Senator Kerr, the measure is placed on the Calendar for Tuesday, July 10.

S.B. 903, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN EFFICIENCY STUDY OF THE DEPARTMENT OF TRANSPORTATION, referred to the **Rules and Operations of the Senate Committee** on April 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget**.

Upon motion of Senator Basnight, seconded by Senator Reeves, the Senate adjourns at 10:38 A.M. to meet Monday, July 9, at 7:00 P.M.

NINETY-FIFTH DAY

Senate Chamber
Monday, July 9, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, holy scripture's stories and characters are meant to be an inspiration to all of us. It's easy to see as role models biblical giants like Abraham, Joseph, Ruth and John the Baptist. But we also remember some rather unsavory people out of whom you also made heroes of the faith like Jacob, who betrayed his brother out of the family birthright, Jonah, who did not want to bring your word of hope to Ninevah, or Paul, who persecuted the early church before 'seeing the light'.

"Maybe the criteria by which we should choose heroes is best stated in the simple prayer, 'Lord, deliver us from the people who never make mistakes and from the people who make the same mistakes twice.' Amen."

The Chair grants leaves of absence for tonight to Senator Hoyle, Senator Martin of

Pitt, Senator Reeves, Senator Shaw of Guilford and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Wade Markham from High Point, North Carolina, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 41, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6743 is adopted and engrossed.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

S.B. 653 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS.

With unanimous consent, upon motion of Senator Moore, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 17.

H.B. 1276 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLOSE THE LEGAL LOOPHOLE THAT EXISTS UNDER THE STATE'S INCEST LAWS AND TO EQUALIZE PUNISHMENTS FOR CRIMES COMMITTED AGAINST CHILDREN WITHOUT REGARD TO FAMILIAL STATUS.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute is withdrawn from tonight's Calendar and is re-referred to the **Judiciary II Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 307, AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID

ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 408, AN ACT TO ALLOW LARGE CITIES TO MAKE ROADWAY IMPROVEMENTS IN THEIR EXTRATERRITORIAL JURISDICTION. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-261.)

S.B. 823, AN ACT TO PROMOTE THE NORTH CAROLINA GRAPE AND WINE INDUSTRY. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-262.)

S.B. 860, AN ACT TO AUTHORIZE THE CHARTERING OF INDEPENDENT TRUST COMPANIES, TO PERMIT BANKS AND TRUST COMPANIES TO CONDUCT TRUST BUSINESS ON AN INTERSTATE BASIS, AND TO MODIFY THE RESIDENCY REQUIREMENTS FOR A BANK'S BOARD OF DIRECTORS. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-263.)

H.B. 1448, AN ACT TO PROVIDE UNIFORM PENALTIES FOR LOCAL MEALS TAXES. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-264.)

H.B. 1062, AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE MANAGEMENT OF WHITE GOODS. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-265.)

S.B. 9, AN ACT TO APPOINT MEMBERS TO THE VIRGINIA-NORTH CAROLINA INTERSTATE HIGH-SPEED RAIL COMMISSION. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-266.)

H.B. 1098, AN ACT TO AMEND THE LAWS CONCERNING CERTAIN TYPES OF DEPOSIT ACCOUNTS IN NORTH CAROLINA TO MAKE THEM MORE UNDERSTANDABLE TO CONSUMERS AND TO MAKE THEM MORE FLEXIBLE IN MEETING CONSUMER PREFERENCES. (Became law upon approval of the Governor, July 4, 2001–S.L. 2001-267.)

H.B. 63, AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHILE THEY ARE BICYCLE OPERATORS OR PASSENGERS. (Became law upon approval of the Governor, July 5, 2001–S.L. 2001-268.)

H.B. 356, AN ACT TO UPDATE THE BOND REQUIREMENTS FOR COLLECTION AGENCIES; TO CLARIFY THE DEFINITION OF COLLECTION AGENCY; TO REQUIRE NONRESIDENT COLLECTION AGENCIES TO POST A SECOND BOND FOR EXPENSES INCURRED BY THE STATE IN A RECEIVERSHIP PROCEEDING INVOLVING THE COLLECTION AGENCY; TO CONFORM THE LAW ON DECEPTIVE REPRESENTATION BY COLLECTION

AGENCIES TO FEDERAL LAW; TO MAKE TECHNICAL CORRECTIONS; TO ALLOW BAIL BONDSMEN TO CREATE SHARED TRUST ACCOUNTS; TO CODIFY AN ADMINISTRATIVE RULE ON BONDSMEN AFFIDAVITS; AND TO AUTHORIZE THE COMMISSIONER TO DENY LICENSE RENEWALS TO PROFESSIONAL BONDSMEN UNTIL THEY CURE DEPOSIT DEFICIENCIES. (Became law upon approval of the Governor, July 6, 2001–S.L. 2001-269.)

S.B. 395, AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE LAWS REGULATING PLUMBING AND HEATING CONTRACTORS AND TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO INCREASE FEES. (Became law upon approval of the Governor, July 6, 2001–S.L. 2001-270.)

S.B. 681, AN ACT TO AMEND THE LAW GOVERNING JUDICIAL SALES AND EXECUTION SALES TO PROVIDE FOR A ROLLING UPSET BID PROCEDURE AND TO CONFORM THE TIME PERIODS FOR POSTING AND PUBLISHING NOTICE OF SALE TO THE LAW GOVERNING FORECLOSURE SALES UNDER A POWER OF SALE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 6, 2001–S.L. 2001-271.)

H.B. 983, AN ACT TO PROVIDE THAT OWNERS OF LAND ASSOCIATED WITH WATERSHED IMPROVEMENT PROJECTS HAVE LIMITED LIABILITY WITH REGARD TO CERTAIN MEMBERS OF THE PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL PURPOSES. (Became law upon approval of the Governor, July 6, 2001–S.L. 2001-272.)

S.B. 269, AN ACT TO AMEND THE DEFINITION OF INVESTMENT ADVISER REPRESENTATIVE; TO ALLOW MULTIPLE REGISTRATION OF INVESTMENT ADVISER REPRESENTATIVES FOR CERTAIN PURPOSES; AND TO REVISE THE REGISTRATION AND NOTICE FILING PROCEDURES. (Became law upon approval of the Governor, July 9, 2001–S.L. 2001-273.)

CALENDAR (*continued*)

S.B. 559 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (40-0) and the measure is ordered enrolled.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

H.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A YEARLONG COURSE OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO ALL FOURTH- AND EIGHTH-GRADE STUDENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6748, which changes the title to read **H.B. 195** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 367 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN.

With unanimous consent, upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 10.

S.B. 1023 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (42-0) and the measure is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Joseph M. Bumgarner, Wilkesboro; Laura Gibbs Collier, Greenville; Kathryn Cozort, Raleigh; Lisa Marie English, Garner; Susan Elizabeth Ferguson, Cherryville; Zachary Rhyne Fraley, Cherryville; Rachel Heckner, Cary; Laura Elizabeth Hill, Dobson; Garison Keel, Conover; Jenny Kigin, Raleigh; Molly Martin King, Raleigh; Drexel King, Raleigh; Mary Catherine Knight, Rockingham; Stephen Kristeller, Fayetteville; Jennifer A. Lancaster, Pikeville; Joshua Cody MacGregor, Fayetteville; Karen Joy Medlin, Louisburg; Byron Lee Moore, Raleigh; Meredith Leigh Morgan, Matthews; John-Charles Nelson, Conover; Katie Elizabeth Snow, Dobson; and Heather Grey Umbdenstock, Raleigh.

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 7:20 P.M. to meet tomorrow, Tuesday, July 10, at 3:00 P.M.

NINETY-SIXTH DAY

Senate Chamber
Tuesday, July 10, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"The obscure one verse Prayer of Jabez found in First Chronicles has been turned into a best seller. Some people have been blessed by their search into the meaning of the prayer, others have abused its meaning. What is true about the prayer is this, you are always more ready to hear than we are to pray, and you are willing to give more than we deserve and sometimes desire! Help us to reach beyond our limitations to your boundless ability to respond to our needs. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Howard Wilson Newell, Jr. from Goldsboro, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 1023, AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT.

H.B. 31, AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN PROCLAIMED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DAY BEFORE ELECTORS ARE TO MEET.

H.B. 218, AN ACT TO PROVIDE FOR DOUBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS.

H.B. 440, AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA.

H.B. 980, AN ACT TO ALLOW CHILDREN OF A VOTER TO ACCOMPANY THE VOTER INTO THE VOTING ENCLOSURE.

H.B. 1041, AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 559, AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute PCS 3877 is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 972, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCRAP TIRE MANAGEMENT LAWS OF THE STATE, with a favorable report.

Upon motion of Senator Albertson, the bill is re-referred to the **Finance Committee**.

S.B. 314, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENVIRONMENTAL/AGRICULTURAL LAWS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6746, which changes the title to read **S.B. 314** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE FARM VEHICLE REGISTRATION FEE TO ONE DOLLAR AND EXTEND THE RENEWAL CYCLE TO FIVE YEARS, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 1019 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO AUTHORIZE CERTAIN PERMIT FEES UNDER THAT PROGRAM, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, which changes the title to read **H.B. 1019** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to **Finance Committee**.

By Senator Soles for the **Commerce Committee**:

H.B. 558 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REAL ESTATE COMMISSION TO ADOPT RULES TO PERMIT REAL ESTATE BROKERS TO PAY TRAVEL AGENTS FOR PROCURING POTENTIAL TENANTS IN VACATION RENTALS, with a favorable report.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF AN ACCESSIBLE CLEANOUT AT THE

JUNCTION OF THE PUBLIC SEWER LINE AND THE HOUSE OR BUILDING SEWER LINE, with a favorable report.

The President extends the privileges of the floor to former Senator Jim Richardson of Mecklenburg County.

By Senator Kerr for the **Finance Committee**:

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT, with a favorable report.

H.B. 385 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 195 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001.

With unanimous consent, upon motion of Senator Dalton, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 12.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 12.

WITHDRAWAL FROM COMMITTEE

S.B. 40, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from

the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR (*continued*)

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

With unanimous consent, upon motion of Senator Ballance, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 11.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a resolution which is read the first time and disposed of, as follows:

H.J.R. 270, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the House Joint Resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Cunningham, the joint resolution is read in its entirety and upon motion of Senator Basnight, the remarks of the Senators are spread upon the Journal, as follows:

Senator Cunningham:

"Thank you, Madame President. If you are traveling south in the 23rd Senate District in the southern part of Iredell County, you come to a small, bustling, old mill town called Mooresville. Mooresville is the home to about forty different racing teams. It is also home to the North Carolina Racing Hall of Fame. It is fitting that about six years ago Mooresville was nicknamed 'Race City USA'. If you continue south out of Mooresville on a little road called Coddle Creek on your way to Kannapolis, you will see on your left out in what used to be farmland, a giant building called Dale Earnhardt Incorporated. Dale Earnhardt Incorporated is home to three racecar teams in and of itself. It employs more than 200 workers in southern Iredell County and it's one of the county's largest employers. What started there a large number of years ago has grown in the same way that Mooresville, that small old Southern mill town, has grown and it's now home to perhaps one of the most vibrant industries in North Carolina, and that is NASCAR. NASCAR today is one of the fastest-growing spectator sports in the country. It's responsible here in North Carolina for over $1 billion in economic activity, and in Iredell County and, Senator Hartsell, in Cabarrus County and, Senator Odom, in Mecklenburg County, it's responsible for a quarter of a billion dollars in economic activity there alone. As soon as you pass DEI on Coddle Creek Road you come to a farm, and on that farm a man is buried out next to a hunting blind that was his favorite, a wife still lives, and across the road a son still lives. That's where Dale Earnhardt called home. Dale Earnhardt perhaps represents better than anybody else in NASCAR, the transformation of that sport and the transformation of that small southern town. Ralph Dale Earnhardt was born in Kannapolis in 1951 to Martha and Ralph Earnhardt. His father, Ralph, was a driver as well. We have here with us today

in the gallery his mother, Martha, and his daughter, Kelly. What began really in 1975 at his first Winston Cup race became a full time job in 1979. In 1979, Dale Earnhardt became a full-time Winston Cup driver. He was named 'Rookie of the Year' that year. He won his first victory in 1979 in Bristol, Tennessee. The next year, in 1980, he won the first of what would end up being seven Winston Cup Championships which, as you know, are based on overall performance throughout the racing season. He won them in 1980, '86, '87, '90, '91, '93 and '94. His career winnings are higher than any other NASCAR racer. He's a five-time NMPA Driver of the Year. He's the only three-time winner of the Winston, he's the only six-time Busch Clash winner, four-time IROC champion. In fact, he has won nearly every major event and title available in NASCAR, available to NASCAR drivers, over seventy-six victories and seven championship titles. There are probably some who wonder why we would honor a driver and a sport that's fascinated with loud cars driving in circles at high speeds. We'd probably attribute it to a southern eccentricity, some may call it just downright redneck, but I would suggest that we're honoring much more in the man of Dale Earnhardt. We're honoring a certain spirit that includes the American dream. He did what he did with a ninth-grade education. He fought to overcome what was tremendous poverty in that small southern town, but he was a man that had a vision for how a fast car should feel as it went around the track. He had a very good friend named Richard Childress who had the technical know-how to make it go. Richard Childress, of course, is in Davidson County, Senator Bingham, and Welcome is where RCR is and that's where the Number 3 car is built. It's where the work is done that allowed Dale Earnhardt to move as fast as he did. That spirit includes the fact that on race day the fans could just walk around where they're working on the cars, down in the pits, down in the garage, and meet their heroes, meet the people that they would see on TV or on the posters. Even some people could wander into the little prayer meeting that they would have just before all the drivers would get in their cars, because the fans really lived right next door to the team members and the people that they respect, like my neighbor Chocolate Myers. Chocolate Myers in Lexington was the man who poured the gas in Dale Earnhardt's car when it would come in for those seventeen seconds on pit row. You see, NASCAR's growth has been our growth in these small mill towns, Lexington, Salisbury, Statesville, Mooresville, Kannapolis, Concord, and Dale Earnhardt's success has been the success of our friends and our neighbors. It is fitting, I think, that we honor him with this resolution. I will urge its passage. I think it's perhaps equally fitting that the sport and all of its fans move on and I think it's fitting that this past Saturday night at Daytona, where we lost the man himself, that his son, Dale Jr., took the checkered flag. Thank you, and I urge the passage of this resolution."

Senator Plyler:

"Thank you, Madame President and members of the Senate, and to the family. I knew Dale Earnhardt for a long time. When I first went into the Legislature, that was in 1974 when I was elected and I represented Cabarrus County along with Union County. In 1975, as Senator Cunningham has so eloquently expressed what a gentleman he was, and what all he has accomplished over the years, I knew him only as a young rookie. I knew his dad, Ralph. I represented Cabarrus County for eight years and knew that Dale and Ralph and Bruce Thompson from Monroe, and Speedy and Jimmy Thompson, who were two famous racecar drivers at that time, worked together and one thing about it, they worked on dirt tracks a lot. You could go to that dirt track and when you came out of there late that night or that afternoon you would be as red as the carpet is on this floor from the dirt settling on you from the dust from the cars. Dale Earnhardt won the distinguished award that was presented by the Charlotte Motor Speedway several years ago and I followed him by receiving the same award. I'd like to say there's another person in this body here that's going to receive that award and that person doesn't know it, but he's going to receive it

within a reasonable length of time and I hope it can be done here on the floor of this Senate. It is a very distinguished award but I'd say that Dale Earnhardt made racing, along with his dad and along with the son who is following him so well. He is just doing a great job in it and so many people across the whole world were so glad to see him win that race on Saturday night. I'd just like to say on behalf of my family, my daughter Diane works with the Racecar Drivers Auxiliary, and the friends that I have that have known Dale, and I'll say this and I don't know whether Mrs. Earnhardt remembers him or not but there's a fellow by the name of Louis Everheart and I don't know that Dale didn't name him 'Termite', but 'Termite' works for me now and has for some twenty or twenty-five years. I talked to Dale about him a few a years ago and he wondered and said, 'Well, you know I thought he was already dead' but he was not and he's still living. I'd like to say that Dale is a great American, a great North Carolinian, and a great worldwide known racecar driver in one of the greatest sports that has ever been anywhere in the world. Some people might not know what it takes to have a team and be the driver and be the one that gets out and risks their lives in order to give to the people the entertainment that they demand. A lot of people come to these races just to see one individual person and Dale, I guess, more people came to see him than any other race car driver probably anywhere in the world. So I would like to urge each of you to vote favorably upon this resolution because it is well-deserved and I recommend it to you very highly."

Senator Hartsell:

"Thank you Madame President, and members of the Senate. Mrs. Earnhardt, Senator Basnight, you know that there is a rivalry between Concord and Kannapolis. I am a resident of Concord and I'm proud today to speak to a resolution honoring a man from Kannapolis. Only those from Kannapolis and Concord can truly appreciate that because it is a genuine rivalry. Dale Earnhardt epitomized the town he grew up in. He epitomized what is important and wonderful about this State, about the opportunities that are here, and the opportunities that are utilized, because he *was* Kannapolis. About eight years ago, the town honored him with a day and I had the good fortune of presenting a North Carolina flag to him. It was the first time I'd ever met him and I confess I was more than just a little bit intimidated, but he was an honest, honorable, simple man, who took a simple task that was in fact complex and succeeded amazingly well. The town was proud of him, the area was proud of him and, in fact, his was the most marketable name in all of sports. I was looking for something to say and I think it was probably best said in some lyrics by Garth Brooks very recently. 'For a moment all the world was right. How could I have known that you'd ever say goodbye. And now I'm glad I didn't know the way it all would end, the way it all would go. Our lives are better left to chance, I could've missed the pain, but I would have had to miss the dance.' Folks, family, Dale Earnhardt helped everyone to dance."

Senator Soles:

"Madame President, ladies and gentlemen of the Senate, you may think it is odd that I would stand up to speak on this particular resolution. I never met Dale Earnhardt and I've never been to a NASCAR race but I have come to know him in a different way. Not only do I know him through the news media and seeing clips on the TV, things like that, but my automobile license plate is Number 3. More than one time - this is the truth - I've come out of a meeting or been somewhere not only in North Carolina but elsewhere, and people would be standing around the back of my car looking to see if that was Dale Earnhardt. Now, if they had seen me coming up Interstate 95 or Interstate 40 trying to get back here before I was late on Monday night, you know I could kind of understand that, but I have truly come to learn through that way the true honor and love and appreciation the people of this country have for Dale Earnhardt. I'm going to have myself attend one of these

races one time and see exactly what it's all about, but I appreciate the opportunity to be associated with the Earnhardt family in any way."

The joint resolution passes its second reading (50-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Cunningham, the President extends the courtesies of the gallery to Martha Earnhardt, mother of Dale Earnhardt, and Kelly Earnhardt Home, his daughter.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a resolution which is read the first time and disposed of, as follows:

H.J.R. 1461 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar for immediate consideration.

The Committee Substitute joint resolution passes its second reading (50-0) and third reading with members standing and is ordered enrolled.

The President extends the courtesies of the gallery to the family of Wilbert Forbes: Jerry Forbes, his wife; Larry Forbes, his son; Iredell Forbes, his daughter-in-law; Marie Davis and Ira Riddick, his daughters; Mack Davis and Sid Riddick, his sons-in-law; Curtis Mack Davis and Allen Forbes, his grandsons; and Patricia and William Brinkley, close family.

CALENDAR (*continued*)

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY.

Senator Gulley offers Amendment No. 1 which is adopted (49-1).

The Committee Substitute bill, as amended, passes its second (43-7) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
July 10, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Redwine, Easterling, Thompson and Oldham have been added as conferees to House Committee Substitute # 2 for SB 353, A BILL TO BE ENTITLED AN

ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

H.B. 897 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED.

The Senate Committee Substitute passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1286, A BILL TO BE ENTITLED AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

The Chair grants a leave of absence for the remainder of today's session to Senator Rand.

S.B. 367 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-1) and the measure is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 4:19 P.M. to meet tomorrow, Wednesday, July 11, at 3:00 P.M.

NINETY SEVENTH DAY

Senate Chamber
Wednesday, July 11, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, sometimes it seems that the Senators receive the most attention when a

vigorous debate takes place here. As long as these debates are a result of a faith that always argues the present for the sake of what yet might be made better, then they are not adversaries, but partners (although with differing views) working toward the good. Continue to remind them of this truth in the days ahead. In your holy name we pray, Amen."

The Chair grants a leave of absence for today to Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Brian Paul Goldstein from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 367, AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN.

H.B. 593, AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS.

H.B. 968, AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO PROVIDE FOR THE DEFENSE OF AND TO PAY JUDGMENTS AGAINST SOIL AND WATER CONSERVATION SUPERVISORS AND EMPLOYEES.

H.B. 1067, AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS.

H.B. 1286, AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION.

And the following resolutions duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 270, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DALE EARNHARDT, LEGENDARY STOCK CAR RACER. (Res. 23.)

H.J.R. 1461, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACOB WILBERT FORBES, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 24.)

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 559, AN ACT INCREASING THE FORCE ACCOUNT LIMIT OF THE CITY OF ASHEVILLE. (Became law upon ratification, July 10, 2001–S.L. 2001-274.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1676 is adopted and engrossed.

H.B. 1318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3879 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 695, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY ZONING, with a favorable report.

H.B. 696, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES.

With unanimous consent, upon motion of Senator Hagan, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 12.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows *(See Appendix.)*:

Executive Order Number 6, Amending Executive Order No. 25 Concerning Regional Policy for North Carolina.

Executive Order Number 7, Teacher Advisory Committee.

Executive Order Number 8, Transfer of Hurricane Floyd Relief Programs to the Department of Crime Control and Public Safety.

Executive Order Number 9, Temporary Suspension of Motor Vehicle Regulations in Order for Utility Vehicles to Respond to Natural Disasters and Other Emergencies.

Executive Order Number 10, Amending Governor Hunt's Executive Order No. 136 Concerning the Governor's Advisory Council on Hispanic/Latino Affairs.

CALENDAR (*continued*)

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 12, upon third reading.

Upon the appearance of Senator Metcalf in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

H.B. 34 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS.

Senator Wellons offers Amendment No. 1 which is adopted (49-1).

The Senate Committee Substitute bill, as amended, passes its second (49-1) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 3:30 P.M. for the purpose of an **Appropriations/Base Budget** meeting to reconvene at 3:45 P.M.

July 11, 2001

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

S.B. 40, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3880, which changes the title to read **S.B. 40** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW, is adopted and engrossed.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered, without objection, sent to the House of Representatives by special message.

CALENDAR (*continued*)

H.B. 385 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Senate Committee Substitute passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 558 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REAL ESTATE COMMISSION TO ADOPT RULES TO PERMIT REAL ESTATE BROKERS TO PAY TRAVEL AGENTS FOR PROCURING POTENTIAL TENANTS IN VACATION RENTALS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INSTALLATION OF AN ACCESSIBLE CLEANOUT AT THE JUNCTION OF THE PUBLIC SEWER LINE AND THE HOUSE OR BUILDING SEWER LINE.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Dalton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 1246 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1246, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, Senate Education/Higher Education Committee Substitute Adopted 6/6/01, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Education/Higher Education Committee Substitute Adopted 6/6/01, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H1246-PCCS7256-SF-5.

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

Date conferees approved report: July 11, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Walter Dalton	S/ Donald A. Bonner
S/ Linda Garrou	S/ Alex Warner
S/ Hamilton Horton, Jr.	S/ Gene Arnold

The text of the attached Proposed Conference Committee Substitute H1246-PCCS7256-SF-5 is as follows:

July 11, 2001

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, shall study the measures used by the constituent institutions to make admissions, placement, and advanced placement decisions regarding incoming freshmen and shall assess the various uses made of those measures and the validity of those measures with regard to a student's academic performance and as predictors of a student's future academic performance. They shall also assess whether other alternative measures may be equally valid or more accurate as indicators of a student's academic performance. In the study, particular consideration should be given to whether or not to eliminate, continue, or change the emphasis placed on the Scholastic Aptitude Test (SAT) and ACT Assessment for North Carolina students as a mandatory university admissions measure. The study should review incorporating the State's testing program into admissions, placement, and advanced placement decisions. Based on its findings, the Board of Governors of The University of North Carolina, in cooperation with the State Board of Education and the State Board of Community Colleges, may develop recommendations to improve the measures used to assess a student's academic performance, to adopt alternative measures, or to use various combinations of both to determine more accurately a student's academic knowledge and performance.

SECTION 1.(b) The study required by subsection 1(a) of this act may address all of the following:

(1) Admissions. - The Board of Governors may examine the key elements used for making admissions decisions in the State's University System. Included in the factors to be studied are grade point average, class rank, and the SAT and ACT Assessment. Each element may be studied for reliability and validity independently and as used together. The Board of Governors may also compare the State's end-of-course testing with the SAT and ACT Assessment, assess how each reflects a student's academic performance, and consider shifting the emphasis currently placed on the SAT and ACT Assessment as an admissions measure to the State's end-of-course tests or other available tests as an admissions measure. In its study, the Board of Governors may consider eliminating, continuing, or changing the emphasis placed on the SAT and ACT Assessment as an admissions measure for North Carolina students applying to the State's constituent institutions. The Board of Governors may also consider methods for accurately comparing the academic performance of applicants who do not have the benefit of the State's end-of-course testing program with applicants who do have the State's testing program.

Recommendations should be made to improve the consistency and fairness of each measure independently and as used together for admissions

decisions. These recommendations may include the use of North Carolina end-of-course tests as an element in admissions decisions alone or in combination with a change of the weight of emphasis on the SAT and ACT Assessment. The recommendations may also include maintaining the current process.

The Board of Governors may review with the State Board of Education recommendations that incorporate end-of-course testing as part of the admissions process. The State Board of Education may develop recommendations to improve the alignment of end-of-course tests and secondary coursework with the expectations of the constituent institutions and the State Board of Community Colleges.

(2) Placement. - The Board of Governors may consider reviewing the assessment methods currently used by constituent institutions for remediation placement decisions. Recommendations may be developed to provide greater consistency, reliability, and validity for remediation decisions. North Carolina end-of-course tests may be considered for use in these decisions.

(3) Advanced placement testing. - The Board of Governors may review the use of test scores in granting college-level course credit by constituent institutions.

(4) Other relevant issues. - The Board of Governors may study any other issues relevant to college and university admissions, placement, and advanced placement measures.

SECTION 1.(c) The Board of Governors may make an interim report regarding its studies and plans to the Joint Legislative Education Oversight Committee no later than March 1, 2002, and shall submit a final report to that Committee by December 1, 2003. It is recommended that the study continue beyond the final report date. Interim and final reports of the Committee may include recommended legislation.

SECTION 2. Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-1.1. Discretion in admissions.**

(a) Notwithstanding G.S. 115D-1, a student under the age of 16 may enroll in a community college if the following conditions are met:

(1) The president of the community college or the president's designee finds, based on criteria established by the State Board of Community Colleges, that the student is intellectually gifted and that the student has the maturity to justify admission to the community college; and

(2) One of the following persons approves the student's enrollment in a community college:

a. The local board of education, or the board's designee, for the public school administrative unit in which the student is enrolled.

b. The administrator, or the administrator's designee, of the nonpublic school in which the student is enrolled.

c. The person who provides the academic instruction in the home school in which the student is enrolled.

d. The designee of the board of directors of the charter school in which the student is enrolled.

(b) The State Board of Community Colleges, in consultation with the Department of Public Instruction, shall adopt rules to implement this section."

SECTION 3. G.S. 95-25.5 is amended by adding a new subsection to read:

"(m) Notwithstanding any other provision of this section, youths who are enrolled at an institution of higher education may be employed by the institution provided the

employment is not hazardous. As used in this subsection, "institution of higher education" means any constituent institution of The University of North Carolina, any North Carolina community college, or any college or university that awards postsecondary degrees."

SECTION 4. Section 2 of this act is effective when it becomes law, and shall apply to the 2001-2002 academic year. Section 2 of this act expires September 1, 2004. The remainder of this act is effective when it becomes law.

The Conference Report is placed on the Calendar for Thursday, July 12, for adoption.

CALENDAR (*continued*)

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

With unanimous consent, upon motion of Senator Ballance, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 12.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1460, A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on July 3.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for tomorrow, Thursday, July 12, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for tomorrow, Thursday, July 12.

Upon motion of Senator Basnight, seconded by Senator Carter, the Senate adjourns at 4:01 P.M. to meet tomorrow, Thursday, July 12, at 10:00 A.M.

NINETY-EIGHTH DAY

Senate Chamber
Thursday, July 12, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, many of us have taken to heart the passage of scripture we memorized as children: "Be doers of the word and not hearers only." But, in such an activist world we may have become such proficient doers that we have lost the art of listening.

"Robert Louis Stevenson wrote, "All speech, written or spoken, is a dead language until it finds a willing and prepared hearer. In the midst of the great activity of this day, allow us the grace to take the time to hear you and others and not be doers only. Amen."

The Chair grants leaves of absence for today to Senator Lee, Senator Odom and Senator Plyler.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, July 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Lamar Parker, Jr. from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Lori Cole from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, upon second reading.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 17, upon second reading.

H.B. 195 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001.

With unanimous consent, upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 17.

H.J.R. 1460, A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY.

With unanimous consent, upon motion of Senator Rand, the joint resolution is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 18.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 836, AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES.

H.B. 275, AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES.

H.B. 558, AN ACT TO AUTHORIZE THE REAL ESTATE COMMISSION TO ADOPT RULES TO PERMIT REAL ESTATE BROKERS TO PAY TRAVEL AGENTS FOR PROCURING POTENTIAL TENANTS IN VACATION RENTALS.

H.B. 824, AN ACT TO REQUIRE THE INSTALLATION OF AN ACCESSIBLE CLEANOUT AT THE JUNCTION OF THE PUBLIC SEWER LINE AND THE HOUSE OR BUILDING SEWER LINE.

CALENDAR (*continued*)

H.B. 695, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY ZONING.

The bill passes its second (47-0) and third readings and is ordered enrolled.

H.B. 696, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING.

The bill passes its second (46-0) and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

A standing committee report is submitted out of its regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 400, A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6749 is adopted and engrossed.

Upon motion of Senator Kerr, the Committee Substitute bill is placed on the Calendar for Tuesday, July 17.

S.B. 1066 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 1677, is adopted and engrossed.

Upon motion of Senator Kerr, the Committee Substitute bill is placed on the Calendar for Tuesday, July 17.

H.B. 146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8667 is adopted and engrossed.

CALENDAR (*continued*)

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW

CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons–47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 1062, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES.

The bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 18.

H.B. 1318 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

With unanimous consent, upon motion of Senator Ballance, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 17.

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 26.

H.B. 1246 (Conference Report), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN

COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, for adoption.

Upon motion of Senator Dalton, the Conference Report is adopted (46-1). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Rucho, the Senate adjourns subject to ratification of bills, to meet Monday, July 16 , at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 40, AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW.

H.B. 236, AN ACT TO ALLOW CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 695, AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY ZONING.

H.B. 696, AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:35 A.M.

NINETY-NINTH DAY

Senate Chamber
Monday, July 16, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, you alone know all the difficult decisions and tough choices the men and women of the Senate are facing. May your spirit 'think through them, until your ideas are their ideas.' Amen."

*A one-line prayer by Amy Carmichael

The Chair grants leaves of absence for tonight to Senator Basnight, Senator Gulley, Senator Hoyle, Senator Martin of Pitt, Senator Shaw of Guilford, Senator Thomas, Senator Warren, Senator Webster and Senator Wellons.

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of Thursday, July 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Cynthia Madden from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 1157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES.

Referred to **Finance Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

H.B. 1174, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAYGROUNDS, with a favorable report.

H.B. 1217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS AND INNOCENT MOTOR VEHICLE OWNERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4633, which changes the title to read **H.B. 1217** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED

THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS, is adopted and engrossed.

With unanimous consent, upon motion of Senator Hagan, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill .

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3884, which changes the title to read **H.B. 774** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, AND TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF THE LAW FORBIDDING PASSING OF A STOPPED SCHOOL BUS, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 715, AN ACT TO REQUIRE COLLABORATION BETWEEN THE DIVISION OF SOCIAL SERVICES AND THE COMMISSION OF INDIAN AFFAIRS AND THE NORTH CAROLINA DIRECTORS OF SOCIAL SERVICES ASSOCIATION ON INDIAN CHILD WELFARE ISSUES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 695, AN ACT TO REPEAL THE SUNSET PROVISION RELATING TO MECKLENBURG COUNTY ZONING. (Became law upon ratification, July 12, 2001–S.L. 2001-275.)

H.B. 696, AN ACT TO REPEAL THE SUNSET RELATING TO MECKLENBURG MUNICIPAL ZONING. (Became law upon ratification, July 12, 2001–S.L. 2001-276.)

H.B. 643, AN ACT ESTABLISHING A QUALIFIED TESTIMONIAL PRIVILEGE FOR COMMUNICATIONS WITH AGENTS OF RAPE CRISIS CENTERS AND DOMESTIC VIOLENCE PROGRAMS. (Became law upon approval of the Governor, July 12, 2001–S.L. 2001-277.)

H.B. 598, AN ACT TO REPEAL THE REQUIREMENT THAT COUNTIES AND MUNICIPALITIES MAY ONLY ENTER INTO CONTRACTS WITH PRIVATELY EMPLOYED INDIVIDUALS OR THEIR EMPLOYERS FOR BUILDING INSPECTION SERVICES FOR SPECIFICALLY DESIGNATED PROJECTS. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-278.)

S.B. 365, AN ACT TO PROVIDE FOR ELECTRONIC LISTING OF BUSINESS

PERSONAL PROPERTY FOR AD VALOREM TAXES AND TO ALLOW COUNTIES TO EXTEND THE LISTING PERIOD FOR ELECTRONIC LISTING. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-279.)

H.B. 75, AN ACT TO PROVIDE FOR THE DISTRIBUTION OF COPIES OF THE APPELLATE DIVISION REPORTS TO THE CHEROKEE SUPREME COURT. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-280.)

H.B. 722, AN ACT TO INCREASE THE MEMBERS OF THE NORTH CAROLINA VETERINARY MEDICAL BOARD FROM SEVEN TO EIGHT AND TO ALLOW THE BOARD OF CHIROPRACTIC EXAMINERS TO BRING AN ACTION FOR INJUNCTIVE RELIEF IN SUPERIOR COURT TO PREVENT PERSONS FROM PRACTICING CHIROPRACTIC WITHOUT A LICENSE. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-281.)

H.B. 884, AN ACT TO ASSIST AN INNOCENT PERSON CHARGED WITH OR WRONGLY CONVICTED OF A CRIMINAL OFFENSE IN ESTABLISHING THE PERSON'S INNOCENCE. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-282.)

H.B. 307, AN ACT TO APPLY A LAW CLOSING A LOOPHOLE IN THE MINIMUM HOUSING STANDARDS ACT AS IT APPLIES TO MUNICIPALITIES LOCATED IN COUNTIES WITH POPULATIONS IN EXCESS OF SEVENTY-ONE THOUSAND PEOPLE BY THE LAST CENSUS WHERE THE OWNER CAN AVOID ORDERS TO REPAIR, REMOVE, OR DEMOLISH A RENTAL UNIT BY SIMPLY CLOSING IT SO THAT IT WILL APPLY IN THE ENTIRETY OF A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHERE SOME OF THE MUNICIPALITY IS LOCATED IN A COUNTY THAT MEETS THE POPULATION THRESHOLD. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-283.)

H.B. 1111, AN ACT TO EXPAND THE POWERS AND DUTIES OF THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO INCLUDE DEVELOPMENT AND IMPLEMENTATION OF A PROGRAM TO APPROVE WATER QUALITY AND ANIMAL WASTE MANAGEMENT SYSTEM TECHNICAL SPECIALISTS AND DEVELOPMENT AND APPROVAL OF WATER QUALITY BEST MANAGEMENT PRACTICES. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-284.)

H.B. 334, AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS TO EXEMPT FROM THE DEFINITION OF EMPLOYER GOVERNMENTAL EMPLOYERS WHO HIRE INTERNS. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-285.)

S.B. 243, AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT. (Became law upon approval of the Governor, July 13, 2001–S.L. 2001-286.)

S.B. 40, AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION

AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW. (Became law upon approval of the Governor, July 15, 2001–S.L. 2001-287.)

CALENDAR

A bill on tonight's Calendar is taken up and disposed of, as follows:

H.B. 146 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Foxx, Garrou, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Soles, Swindell and Weinstein—38.

Voting in the negative: None.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 18, upon third reading.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Ian Armstrong, Cary; Jennifer Brady, Zebulon; Britni Ann Branson, Salisbury; Amy Leigh Brown, Cary; Charles Crowell, Weddington; Amy Edmonds, Zebulon; Jacob Anthony Gray, Kenly; Justin Taylor Harbinson, Taylorsville; Mallory Harding Hopkins, Manteo; Caroline Huber, Winston-Salem; Robin Denise Hunter, Hobbsville; Jordan Addison Jones, Fayetteville; Stephanie A. Kelly, Spencer; Krystal Leigh Knight, Gates; Amanda Preston Kolb, Raleigh; Katherine Collett Furr Phillips, Charlotte; Lauren Rothwell, Goldsboro; Andrew Charles Sink, Lexington; Benjamin Chase Smith, Pilot Mountain; Quinn Edward Wicker, Sanford; Jackson Dennis Wicker, Sanford; and Claude Roberson Wilson III, Charlotte.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1068 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY ISSUES RELATING TO LONG-TERM CARE; AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A QUALITY IMPROVEMENT CONSULTATION PROGRAM.

Pursuant to the message from the House of Representatives received July 4 that the House fails to concur in the Senate Committee Substitute for H.B. 1068 and requests conferees, Senator Purcell offers a motion that the Senate appoint conferees.

Senator Ballance, Deputy President *Pro Tempore* announces the appointment of Senator Purcell, Chairman; and Senator Carter; Senator Dannelly; and Senator Garwood as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Ballance, seconded by Senator Garrou, the Senate adjourns at 7:23 P.M. to meet tomorrow, Tuesday, July 17, at 3:00 P.M.

ONE HUNDREDTH DAY

Senate Chamber
Tuesday, July 17, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore,* who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, the poet Walt Whitman stated prayerfully, 'In the faces of men and women, I see God.'

"It may be easy for us to affirm such a statement when we encounter people who offer a smile, a word of encouragement, or an act of grace in our behalf, but we are also reminded that you sometimes hide yourself behind the unattractive disguise of the irritable, the exacting and the unreasonable.

"When we encounter those people and are still able to say, 'It is good to serve you,' then we shall understand the depth of Whitman's words and our personal call to be your people. Amen."

Senator Ballance, Deputy President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Walter Julius Pories from Greenville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 690, AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX.

With unanimous consent, upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24.

S.B. 653 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, upon motion of Senator Garwood, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24, upon second reading.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES, with a favorable report.

H.B. 1186 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX, with a favorable report.

H.B. 1193, A BILL TO BE ENTITLED AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX, with a favorable report.

By Senator Soles for the **Commerce Committee**:

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES, with a favorable report.

H.B. 1169, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 476 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 18.

H.B. 1430 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES;

TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; TO LIMIT THE AUTHORITY OF AGENCIES TO ESTABLISH OR INCREASE FEES CHARGED TO THE PUBLIC; AND TO EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
July 12, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on H.B. 1246, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the report of the Conferees and the bill is ordered enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (49-1).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: Senators Ballance and Ballantine—2.

The Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Wednesday, July 18, upon third reading.

S.B. 1066 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

The Committee Substitute bill No. 2 passes its second (46-4) and third readings and is ordered sent to the House of Representatives.

H.B. 195 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001.

Senator Kinnaird offers Amendment No. 1 which fails of adoption (15-35).

Senator Hoyle offers Amendment No. 2 which is adopted (47-3).

Senator Dalton offers Amendment No. 3 which is adopted (46-4).

The Senate Committee Substitute bill, as amended, passes its second (44-6) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 774 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, AND TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF THE LAW FORBIDDING PASSING OF A STOPPED SCHOOL BUS.

The Senate Committee Substitute passes its second (49-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1174, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAYGROUNDS.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, re-referred to the **Transportation Committee** on June 14.

Pursuant to Rule 47(a), Senator Shaw of Cumberland offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Transportation Committee** and placed on the Calendar for tomorrow, Wednesday, July 18, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Transportation Committee** and places it on the Calendar for tomorrow, Wednesday, July 18.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and takes their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 668 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES, with a favorable report.

S.B. 657, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7672 is adopted and engrossed.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 108 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Pursuant to the message from the House of Representatives received July 4 that the House fails to concur in the Senate Committee Substitute for H.B. 108 and requests conferees, Senator Hoyle offers a motion that the Senate appoint conferees.

Senator Ballance, Deputy President *Pro Tempore*, announces the appointment of Senator Hoyle, Chairman, Senator Hartsell and Senator Kerr as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (*continued*)

H.B. 363 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

Senator Ballance offers Amendment No. 1 which is adopted (50-0).

The Senate Committee Substitute bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

Upon motion of Senator Ballance, seconded by Senator Moore, the Senate adjourns at 4:52 P.M. to meet tomorrow, Wednesday, July 18, at 3:00 P.M.

ONE HUNDRED FIRST DAY

Senate Chamber
Wednesday, July 18, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, the Israelites took the Ten Commandments and made over 600 laws out of them. I guess that's why Jesus clarified the confusion by saying that the one supreme law is that we love you, O God, with all our hearts, minds, souls and our neighbors as ourselves. And on this commandment, he said, depends all the law.

"Most of us probably don't remember where we, as children, first saw or heard those Ten Commandments, but I'm sure each of us can picture in our mind's eye someone who so lived the laws of love that he or she made from the writing from the stone tablets brought down the mountain by Moses and come to life for us.

"We don't know exactly where the Ten Commandments might hang, but we pray they will reside in our hearts, minds and souls. Then we too shall bring them to life and meaning for our children. Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends the courtesies of the gallery to former Senator Harry Bagnell from Forsyth County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 1174, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAYGROUNDS.

H.B. 1246, AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 1041, AN ACT TO REQUIRE THAT BALLOT INSTRUCTIONS BE PRINTED IN SPANISH AS WELL AS ENGLISH. (Became law upon approval of the Governor, July 18, 2001–S.L. 2001-288.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills and a resolution are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 173 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 19.

H.B. 76 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE INTERSTATE HIGHWAY 95 AS THE PURPLE HEART MEMORIAL HIGHWAY.

Referred to **Transportation Committee**.

H.J.R. 833, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN LAWSON ON THE 300TH ANNIVERSARY OF HIS FIFTY-SEVEN DAY FIVE HUNDRED FIFTY-MILE TREK THROUGH THE BACKCOUNTRY OF THE CAROLINAS.

Referred to **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Commerce Committee**:

H.B. 355 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7673, which changes the title to read **H.B. 355** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A

TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS, is adopted and engrossed.

H.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3886 is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 19, upon third reading.

H.B. 146 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—49.

Voting in the negative: None.

The Senate Committee Substitute bill is sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND

RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS, upon third reading, as amended upon second reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: Senators Ballance and Ballantine—2.

The Senate Committee Substitute, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1169, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS.

With unanimous consent, upon motion of Senator Hagan, the bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 19.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Hartsell, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 25.

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, upon second reading, as amended by the Transportation Committee.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 46, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: Senators Cunningham, Swindell and Thomas—3.

The Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, July 19, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 438 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY

THE PRIVATE PROPERTY OWNER, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 6751, is adopted and engrossed.

H.B. 42 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX RELIEF TO LOW-INCOME ELDERLY AND DISABLED HOMEOWNERS BY EXPANDING THE EXCLUSION AMOUNT TO THE GREATER OF TWENTY THOUSAND DOLLARS OR FIFTY PERCENT OF THE PROPERTY'S TAX VALUE AND BY INCREASING THE INCOME ELIGIBILITY TO EIGHTEEN THOUSAND DOLLARS TO BE ADJUSTED BY A COLA PERCENTAGE, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 3887, which changes the title to read **H.B. 42** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS, is adopted and engrossed.

Senator Rand offers a motion that the rules be suspended to the end that the Senate Committee Substitute bill No. 2 be placed at the end of today's Calendar, which motion prevails, with unanimous consent.

CALENDAR (*continued*)

H.B. 668 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES.

The Committee Substitute bill No. 2 passes its second reading (48-0).

Senator Hagan objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, July 19.

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

The Committee Substitute bill passes its second reading (47-2).

Senator Horton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, July 19.

H.B. 1126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1186 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1193, A BILL TO BE ENTITLED AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM CALENDAR

H.B. 668 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES, placed on the Calendar for tomorrow, Thursday, July 19.

Senator Hagan offers a motion that the rules be suspended to the end that the Committee Substitute bill No. 2 be withdrawn from the Calendar for tomorrow, Thursday, July 19, and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the Calendar for tomorrow, Thursday, July 19 and places it on today's Calendar.

CALENDAR (*continued*)

H.J.R. 1460, A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

S.B. 476 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Hagan, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Thursday, July 19.

H.B. 42 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS, placed earlier on today's Calendar.

The President orders, without objection, the Senate Committee Substitute bill No. 2 temporarily displaced.

H.B. 668 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES, placed earlier on today's Calendar.

The Committee Substitute bill No. 2 passes its third reading (49-0) and is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 86, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from

the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 42 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS, placed earlier on today's Calendar and temporarily displaced.

Senator Ballantine offers Amendment No. 1 which fails of adoption (15-34).

The Senate Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered, without objection, sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Wellons for the **Insurance and Consumer Protection Committee**:

H.B. 360 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; TO EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; TO ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; TO MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; TO CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; AND TO CLARIFY THE LAW ON DEEMER PROVISIONS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3885, which changes the title to read **H.B. 360** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE

LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; CLARIFY THE LAW ON DEEMER PROVISIONS; CODIFY A RULE ON CLAIM STATUS UPDATES; MAKE TECHNICAL CHANGES IN MORTGAGE GUARANTY INSURANCE RESERVING LAWS; AUTHORIZE THE ADOPTION OF LIFE AND HEALTH ACTUARIAL RULES; AND CLARIFY LAWS ON LOCAL GOVERNMENT RISK POOLING, is adopted and engrossed.

By Senator Kerr for the **Finance Committee**:

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM, with a favorable report.

H.B. 437 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY, with a favorable report.

H.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, with a favorable report.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX, with a favorable report.

Upon motion of Senator Basnight, seconded by Senator Clodfelter, the Senate adjourns at 4:27 P.M. to meet tomorrow, Thursday, July 19, at 11:00 A.M.

ONE HUNDRED SECOND DAY

Senate Chamber
Thursday, July 19, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, holy scripture encourages us with the words 'Never be weary in well-doing.' We hear you, O God, but confess that some days our souls are tired, our words and thoughts are difficult to communicate and our nerves are wound pretty tightly.

"When we do become weary in well-doing remind us of the simple prayer of faith prayed by a child while running a race, 'Lord, you pick them up and I'll put them down, you pick them up and I'll put them down.' We're also grateful for Senator Warren's return to the Senate so quickly after his illness, proof that he knows the value of such a prayer. Amen."

The Chair grants leaves of absence for today to Senator Dalton, Senator Hoyle, Senator Metcalf and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, July 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Jerome Irvin Davis from Greensboro, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 628, AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS.

H.B. 57, AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY.

H.B. 668, AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES.

H.B. 831, AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD;

TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR".

H.B. 897, AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED.

H.B. 1126, AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES.

H.B. 1186, AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX.

H.B. 1193, AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX.

And the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 1460, A JOINT RESOLUTION HONORING THE FOUNDERS OF JACKSON COUNTY ON THE COUNTY'S SESQUICENTENNIAL ANNIVERSARY. (Res. 25.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 627 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 23.

S.B. 815 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 23.

H.B. 868 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS.

Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS.

With unanimous consent, upon motion of Senator Soles, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24, upon third reading.

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—42.

Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, July 23, upon third reading.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX, upon second reading.

Senator Wellons offers Amendment No. 1 which is adopted (43-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Moore, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—43.

Voting in the negative: Webster—1.

The Committee Substitute bill, as amended, remains on the Calendar for Tuesday, July 24, upon third reading.

S.B. 438 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER.

The Committee Substitute bill No. 2 passes its second (43-3) and third readings and is ordered sent to the House of Representatives.

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM.

The Committee Substitute bill passes its second (42-4) and third readings and is ordered enrolled and sent to the Governor.

H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

The Senate Committee Substitute bill passes its second reading (45-1).

With unanimous consent, upon motion of Senator Soles, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 23.

H.B. 360 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; CLARIFY THE LAW ON DEEMER PROVISIONS; CODIFY A RULE ON CLAIM STATUS UPDATES; MAKE TECHNICAL CHANGES IN MORTGAGE GUARANTY INSURANCE RESERVING LAWS; AUTHORIZE THE ADOPTION OF LIFE AND HEALTH ACTUARIAL RULES; AND CLARIFY LAWS ON LOCAL GOVERNMENT RISK POOLING.

The Senate Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 437 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

The Senate Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 173 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Ballance, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 24.

WITHDRAWAL FROM COMMITTEE

H.B. 953, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A FELONY TO POSSESS, PASS, OR UTTER COUNTERFEIT UNITED STATES CURRENCY WITH THE INTENT TO DEFRAUD ANOTHER, referred to the **Appropriations/Base Budget Committee** on June 19.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Judiciary II Committee**.

CALENDAR (*continued*)

H.B. 1169, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS.

The bill passes its second reading (44-2).

Senator Hagan objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 23.

H.B. 686, A BILL TO BE ENTITLED AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

The bill passes its third reading (45-1) and is ordered enrolled and sent to the Governor.

S.B. 476 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (46-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 1157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES, with a favorable report.

Upon motion of Senator Basnight, seconded by Senator Thomas, the Senate adjourns subject to ratification of bills, to meet Monday, July 23, at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 34, AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS.

H.B. 42, AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:55 A.M.

ONE HUNDRED THIRD DAY

Senate Chamber
Monday, July 23, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, a recent caricature in a newspaper showed a person kneeling in prayer with hands lifted up towards heaven, acting reverently. The caption read, "Oh Lord, give me more of everything."

"The world teaches us that to have what we want is riches, but you have taught us that to be able to do without is really our true source of power. So help us to think and to live accordingly. Amen."

The Chair grants leaves of absence for tonight to Senator Dannelly, Senator Garwood, Senator Hagan, Senator Hartsell, Senator Martin of Pitt, Senator Metcalf and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 476, AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES.

S.B. 751, AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS.

H.B. 332, AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM.

H.B. 686, AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 407, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 31, AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN PROCLAIMED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET, AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY THE DAY BEFORE ELECTORS ARE TO MEET. (Became law upon approval of the Governor, July 19, 2001–S.L. 2001-289.)

H.B. 218, AN ACT TO PROVIDE FOR DOUBLE DAMAGES FOR THE INJURY TO, OR THE DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION SYSTEMS. (Became law upon approval of the Governor, July 19, 2001–S.L. 2001-290.)

H.B. 275, AN ACT TO DECRIMINALIZE ABANDONMENT OF AN INFANT UNDER CERTAIN CIRCUMSTANCES AND TO MODIFY SOME PROCEDURES INVOLVING ABANDONED JUVENILES. (Became law upon approval of the Governor, July 19, 2001–S.L. 2001-291.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX.
Referred to **Finance Committee**.

H.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE.
Referred to **Agriculture/Environment/Natural Resources Committee**.

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Cunningham, Dalton, Forrester, Foxx, Garrou, Gulley, Harris, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—38.

Voting in the negative: Senators Carpenter and Webster—2.

The Committee Substitute bill is ordered enrolled.

H.B. 765 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX, as amended on second reading, upon third reading.

Senator Wellons offers Amendment No. 2 which is adopted (40-0).

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carrington, Carter, Cunningham, Dalton, Forrester, Foxx, Garrou, Gulley, Harris, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—38.

Voting in the negative: Senators Carpenter and Webster—2.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 32, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carrington, Carter, Cunningham, Dalton, Garrou, Gulley, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—32.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter, Forrester, Foxx, Horton, Rucho and Webster—9.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 24, upon third reading.

H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE

PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

The Senate Committee Substitute passes its third reading (41-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 1169, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS.

The bill passes its third reading (40-1) and is ordered enrolled and sent to the Governor.

RECONSIDERATION

S.B. 657 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL.

Having voted with the majority, Senator Kinnaird offers a motion that the vote by which the Committee Substitute bill passed its third reading on July 19 be reconsidered, which motion prevails (41-0).

Upon motion of Senator Kinnaird, the Committee Substitute bill is placed before the Senate for immediate consideration.

The question before the Senate becomes the passage of SB 657 on its third reading.

Senator Kinnaird offers Amendment No. 1 which is adopted (41-0).

The Committee Substitute bill, as amended, passes its third reading (41-0) and is ordered engrossed and sent to the House of Representatives.

CALENDAR *(continued)*

S.B. 627 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 815 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (41-0) and the measure is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 664, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1678 is adopted and engrossed.

H.B. 715, A BILL TO BE ENTITLED AN ACT TO DISTRIBUTE THE PROCEEDS OF THE MECKLENBURG PREPARED FOOD TAX AMONG ALL MECKLENBURG COUNTY MUNICIPALITIES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 5726, which changes the title to read **H.B. 715** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY AND TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION, is adopted and engrossed.

WITHDRAWALS FROM COMMITTEES

H.B. 1217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS, re-referred to the **Appropriations/Base Budget Committee** on July 16.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, July 25, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, July 25.

S.B. 34, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, referred to the **Rules and Operations of the Senate Committee** on February 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 7:51 P.M. to meet tomorrow, Tuesday, July 24, at 3:00 P.M.

ONE HUNDRED FOURTH DAY

Senate Chamber
Tuesday, July 24, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, the responsibility required of the Senators at this critical time in the legislative session may actually be beyond their human ability and endurance. Admitting that fact recognizes that their hardship equals your opportunity. May humility be a part of the Senators' able considerations, as well as the wisdom of Solomon, and the patience of Job, qualities that come only from you!

"Guide them to believe you, trust you, and yield to your will because the when of your will is as important as the what and the how. Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt, Senator Metcalf and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Martin Keith Williams from Goldsboro, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 627, AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

S.B. 815, AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS.

H.B. 363, AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

H.B. 774, AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, AND TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF THE LAW FORBIDDING PASSING OF A STOPPED SCHOOL BUS.

H.B. 1169, AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS.

H.B. 1318, AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 757, AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 980, AN ACT TO ALLOW CHILDREN OF A VOTER TO ACCOMPANY THE VOTER INTO THE VOTING ENCLOSURE. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-292.)

H.B. 558, AN ACT TO AUTHORIZE THE REAL ESTATE COMMISSION TO ADOPT RULES TO PERMIT REAL ESTATE BROKERS TO PAY TRAVEL AGENTS FOR PROCURING POTENTIAL TENANTS IN VACATION RENTALS. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-293.)

H.B. 440, AN ACT TO AMEND THE EMBALMERS AND FUNERAL DIRECTORS LAW OF NORTH CAROLINA. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-294.)

S.B. 1023, AN ACT TO REVISE THE UNIFORM ELECTRONIC TRANSACTIONS ACT. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-295.)

H.B. 824, AN ACT TO REQUIRE THE INSTALLATION OF AN ACCESSIBLE CLEANOUT AT THE JUNCTION OF THE PUBLIC SEWER LINE AND THE HOUSE OR BUILDING SEWER LINE. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-296.)

H.B. 593, AN ACT TO PROVIDE FOR DIRECT PAYMENT OF LICENSED PROFESSIONAL COUNSELORS UNDER HEALTH INSURANCE POLICIES AND PLANS. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-297.)

H.B. 1067, AN ACT TO CLARIFY THE AUTOMOTIVE BILL OF RIGHTS. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-298.)

S.B. 367, AN ACT TO EXEMPT THE NORTH CAROLINA FEDERAL TAX REFORM ALLOCATION COMMITTEE AND THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE RULE-MAKING REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT WITH REGARD TO ADOPTION OF THE QUALIFIED ALLOCATION PLAN. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-299.)

H.B. 968, AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO PROVIDE FOR THE DEFENSE OF AND TO PAY JUDGMENTS AGAINST SOIL AND WATER CONSERVATION SUPERVISORS AND EMPLOYEES. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-300.)

H.B. 236, AN ACT TO ALLOW CERTAIN SANITARY DISTRICTS TO MAKE SATELLITE ANNEXATIONS IN CONJUNCTION WITH SIMILAR ANNEXATIONS MADE BY MUNICIPALITIES LOCATED WITHIN THE SANITARY DISTRICT (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-301.)

H.B. 1286, AN ACT REPEALING THE REQUIREMENT OF THE CONFERENCE OF DISTRICT ATTORNEYS TO MAINTAIN A REPOSITORY RELATING TO VICTIMS' INFORMATION (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-302.)

S.B. 836, AN ACT TO MODIFY THE PUBLIC SCHOOL RESIDENCY REQUIREMENT FOR CHILDREN RESIDING IN PRE-ADOPTIVE HOMES. (Became law upon approval of the Governor, July 21, 2001–S.L. 2001-303.)

S.B. 407, AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THAT CITY TO USE QUICK TAKE PROCEDURE FOR ACQUISITION OF PROPERTY TO BE USED FOR STORMWATER AND PUBLIC TRANSPORTATION SYSTEMS. (Became law upon ratification, July 23, 2001–S.L. 2001-304.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, for concurrence in House Committee Substitute.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, July 25, for concurrence upon second reading.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 36, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Jordan, Kinnaird, Lee, Lucas, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—36.

Voting in the negative: Senators Ballantine, Foxx, Hoyle, Shaw of Guilford and Webster—5.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 25, upon third reading.

H.B. 715 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY AND TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 30.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX.

With unanimous consent, upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Wednesday, July 25.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hagan for the **Judiciary II Committee**:

H.B. 1154 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS' RIGHTS ACT AND TO OTHERWISE IMPROVE THE RIGHTS OF VICTIMS OF CRIME IN NORTH CAROLINA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 3890 is adopted and engrossed.

Upon motion of Senator Hagan, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 977, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXCUSE

REQUIREMENT FROM ABSENTEE VOTING, with a favorable report.

H.B. 106 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RIGHT TO APPEAL TO A LOCAL BOARD OF EDUCATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 3878, which changes the title to read **H.B. 106** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS, is adopted and engrossed.

H.B. 1084 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY, with an unfavorable report as to Senate Committee Substitute, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7674, is adopted and engrossed.

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT STANDARD BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING ACCOUNTING METHODOLOGY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8671, which changes the title to read **H.B. 570** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY" WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING POINT SYSTEM FOR PASTURE-BASED PRODUCTION AND MANAGEMENT OF LIVESTOCK, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 551, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX, referred to the **Rules and Operations of the Senate Committee** on March 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 653 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute on its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—45.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 25, for concurrence, upon third reading.

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS, upon third reading, as amended by the Transportation Committee. Senator Soles offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Garwood, Gulley, Hagan, Harris, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland,

Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—39.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter, Forrester, Foxx, Hartsell and Webster—8.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

Upon the appearance of Senator Rucho in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 173 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Horton, the remarks of Senator Ballance are spread upon the Journal, as follows:

Senator Ballance:

"Thank you, Madame President and members of the Senate. We have been looking at this issue now for more than a year. We had a study commission which looked at this matter for about a year and among our members who were on the commission were Senator Dannelly, Senator Shaw and Senator Horton. We now have before us the bill that has come back from the House and I'd like to explain the differences and then I'm going to request that the Senate do concur in the House version of the bill, and I'm not sure if one of my D.A.'s came down to see if I was going to do that or if they just wanted to be here today for this historic event but I'm happy to have with us several of our district attorneys in the gallery. This bill has had a long history and I want to thank a lot of people. It has sort of been a gut-wrenching issue for many of you and I particularly want to thank the thirty-one of you who stayed with us on round one and hopefully this vote will be fifty to concur. I believe I'm correct in saying that the District Attorney's Association has called many of you and asked you to concur, and I'll try to be brief on this. I'm reading from, and I'm not going to read all of this, but Susan Sitze who has been our counsel through the study commission, she was counsel in Judiciary I, and Representative Hackney is not with us in session this week because he's on a trip out of the country but, Senator Basnight, we had a pre-concurrence committee that met this morning to discuss this issue. Originally I was concerned that we ought not concur and that we ought to go to conference so we decided to do a pre-conference with Representative Jean Preston, Representative Ronnie Sutton, Senator Horton and I. Senator Hagan was not available to be with us. We met this morning and I brought a couple of .... We talked about these issues and we finally concluded that it was in everybody's best interest to go forward with this bill and turn our attention to other issues. Just to give you some of the differences in the bills, we changed the definition somewhat. We changed it in House Committee and finally on the floor. Representative Preston had an amendment that has the definition that more closely tracks the definition in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, so I think everybody is satisfied with the definition. The House version removed the Senate Amendment. If you'll recall, we had a floor amendment that said that the I. Q. test must be administered prior to the crime for which the defendant was on trial, and that revision came out in the House. The House version, like the Senate version, contained a pretrial hearing and our pretrial hearing version upon the filing of a motion was an affidavit. The bill said that the court shall grant a hearing to determine the issue of mental retardation. The current version of the bill says upon motion of the defendant with an affidavit attached the court may grant a pretrial hearing and shall grant a pretrial hearing with the consent of the district attorney. So it's not mandatory in both instances and the

standard of proof was moved up in the House version to clear and unconvincing evidence. That is a stronger standard than we had in our bill when it was here which was preponderance of the evidence. The House version also removes the Senate version which allowed appeals. You recall Senator Berger proposed an amendment and we amended his amendment which gave both sides the right to an appeal on the hearing and now that is out of the bill. So any appeals will come at the end of the trial. Senator Berger or someone had an amendment to present this issue to the jury and that issue has been somewhat compromised in the House version because now, especially if the pretrial motion does not dispose of the issue of mental retardation and if the defendant puts on evidence of retardation, then the court must then submit a special issue to the jury to determine whether or not the defendant is mentally retarded and that issue will be by preponderance of the evidence. The final item in the bill, as we know there are at least three persons on Death Row now who have tested under seventy, or seventy or below. There are trials that are going on, I believe, around the State and the Attorney General was concerned that there would be issue of equal protection if we did not afford those persons an opportunity to take advantage of this motion to determine their mental retardation so a provision was added in the bill which originally gave one year and now it gives four months, 120 days for a motion to be filed by the defendant to determine whether or not he or she is mentally retarded. The 120 day provision addresses the constitutional questions regarding equal protection. There may be still some debate on this issue but, as you know, there are thirty-eight states now who have the death penalty. At the time we did the study commission there were thirteen states who did not execute mentally retarded. I believe, I know Texas has passed a bill since we have been in session and maybe one other state. If we concur in this bill North Carolina will be added to that list of states that do not execute mentally retarded persons. As a collateral issue, the earlier we can dispose of the issue of mental retardation, as you know whenever there are aggravating factors found in a first degree murder case it becomes a capital case and two lawyers are appointed to represent the defendant if that person is indigent. Once this issue is determined I believe that the judges will remove one of those lawyers at ninety-five dollars an hour and that's just a collateral benefit that I believe we will gain in these procedures. But the primary issue, I believe, everyone I've heard talk about this issue felt that it would not be appropriate that we execute a mentally retarded person. The debate came over procedure and who would be determined to be mentally retarded and I think we've now come down with a bill that everybody can live with. We may not be quite on all fours on every element of this issue and there may be some litigation yet but I think that the long and short of it is that we've come up with a provision that we can all go home and say we did what we thought was right on the issue of mental retardation and Madame President, I would request that we vote yes for concurrence."

The Senate concurs in the House Committee Substitute bill (47-1) and the measure is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Michael P. Allen, Raleigh; Emily Michelle Blackwell, Raleigh; Judith Claire Edwards, Greenville; Rachel Elizabeth Edwards, Rutherfordton; Rachel Christine Fulcher, Raleigh; Sean M. Gillis, Greensboro; Morgann Caroline Greene, Vilas; Jarrett Lee Hayes, Raleigh; Rosland Holden, Wendell; Justin M. Lamott, Nags Head; Robert Grant Loftin, New Bern; Sally Rebecca Mebane, Rutherfordton; Megan Katherine Monroe, Burlington; Brian Walter O'Donohue, Gastonia; Zachary Pesavento, Cary; Matthew Louis Petrovick,

Creedmoor; Emily Plyler, Monroe; Isa Brett Thomas, Elizabeth City; Antanette Thomas, Wendell; Laura Weiss, Raleigh; Elise Winchester, Waxhaw; Kristin E. Wright, Elizabeth City.

Upon motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns subject to receipt of committee reports, to meet tomorrow, Wednesday, July 25, at 3:00 P.M.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 904, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS CONCERNING THE LICENSURE OF MORTGAGE LENDERS AND BROKERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6752, which changes the title to read **S.B. 904** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:41 P.M.

ONE HUNDRED FIFTH DAY

Senate Chamber
Wednesday, July 25, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, life is so often a matter of different perspectives. All of us at one time or another have understood the genius in the little line from Robert Frost's poem that says, 'Good fences make good neighbors.'

"But you are not a God of fences that divide us! You challenge us to live with a different perspective, revealed, I think, by an inner city parish priest when he wrote this description of a wire fence, 'The wires are holding hands around the holes. To avoid breaking the ring, they hold tight the neighboring wrist, and it's thus that with holes they make a fence.'

"Lord, there are holes in our lives. There are some in the lives of our neighbors. Help us to lock hands and wrists -- to make a fine roll of fence -- not to be a barricade to others but for their well-being and support. Good fences, in fact, do make good neighbors! Amen."

The Chair grants leaves of absence for today to Senator Kinnaird, Senator Martin of Pitt and Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Shirish Dhondu Devasthali from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 173, AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH.

H.B. 146, AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS.

H.B. 432, AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS.

H.B. 1157, AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, July 26.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to **Finance Committee**.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO LEVY A PREPARED FOOD TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—39.

Voting in the negative: Senators Allran, Ballantine, Berger, Carpenter, Foxx, Rucho and Webster—7.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 653 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—47.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Kerr, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 1.

H.B. 106 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

The Senate Committee Substitute passes its second reading (39-8).

Senator Foxx objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, July 26.

H.B. 570 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY" WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING POINT SYSTEM FOR PASTURE-BASED PRODUCTION AND MANAGEMENT OF LIVESTOCK.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 977, A BILL TO BE ENTITLED AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE VOTING.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1084 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

The Senate Committee Substitute bill No. 2 passes its second (46-1) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 1217 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS.

The Senate Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, bills are read by their titles, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, with a favorable report.

H.B. 868 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF

THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS, with a favorable report.

S.B. 904 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

S.B. 551, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF HALIFAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 3891, which changes the title to read **S.B. 551** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX, temporarily displaced earlier.

With unanimous consent, upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 30.

S.B. 144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 34, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carpenter, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Kerr, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—34.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carrington, Forrester, Foxx, Horton, Rucho, Shaw of Guilford and Webster—11.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 26, for concurrence, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Moore, the Senate adjourns at 4:26 P.M. to meet tomorrow, Thursday, July 26, at 10:00 A.M.

ONE HUNDRED SIXTH DAY

Senate Chamber
Thursday, July 26, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, the idea of martyrdom is archaic in our world mostly because we have learned well how to 'play it safe'. But when we do so, we sacrifice the things we really believe in for what we can live with. We're not exactly looking for crosses to bear or lions to fight but when your call is clear to us, O God, give us the courage and conviction not to play it safe, but to risk everything. That's what faith in you is all about. To your glory we pray, Amen."

The Chair grants leaves of absence for today to Senator Martin of Pitt and Senator Metcalf.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, July 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Samuel Marvin Atkinson, Jr. from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda Brown from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 157, AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES.

H.B. 360, AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE

TO IMPLEMENT FEDERAL REQUIREMENTS; MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; CLARIFY THE LAW ON DEEMER PROVISIONS; CODIFY A RULE ON CLAIM STATUS UPDATES; MAKE TECHNICAL CHANGES IN MORTGAGE GUARANTY INSURANCE RESERVING LAWS; AUTHORIZE THE ADOPTION OF LIFE AND HEALTH ACTUARIAL RULES; AND CLARIFY LAWS ON LOCAL GOVERNMENT RISK POOLING.

H.B. 437, AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY.

H.B. 977, AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE VOTING.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 653, AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 1.

RECOGNITION OF DIXIE LEAGUE BASEBALL TEAM

With unanimous consent, upon motion of Senator Weinstein, the privileges of the floor are extended to the North Carolina Dixie League Baseball Team from Robeson County. Senator Weinstein, Chair; Senator Purcell; Senator Rand; Senator Shaw of Cumberland; and Senator Soles are appointed to escort Coach H. Jacobs and his team to the Well of the Senate.

Coach Jacobs is recognized and introduces the players. The team will represent North Carolina in the Dixie League World Series to be held Saturday, July 28, in North Charleston, South Carolina.

The President recognizes the Committee to escort the guests from the Well of the Senate. The guests depart to a standing ovation.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1113, A BILL TO BE ENTITLED AN ACT TO LIMIT DISCLOSURE OF CONSUMER FINANCIAL INFORMATION TO THIRD PERSONS AND TO PROVIDE FOR EDUCATION OF THE PUBLIC ON THOSE LIMITATIONS, with a favorable report.

CALENDAR (*continued*)

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 31.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 11 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, July 30.

S.B. 113 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30.

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC

LAW 106-102, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 30.

S.B. 817 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS, for concurrence in the House Committee Substitute bill.

Senator Rand offers a motion that the rules be suspended to the end that the House Committee Substitute bill be placed on today's Calendar, which motion prevails, with unanimous consent.

CALENDAR (*continued*)

H.B. 868 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The Committee Substitute bill No. 2 is placed on the Calendar for Monday, July 30, upon third reading.

S.B. 904 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MORTGAGE LENDING ACT TO GOVERN MORTGAGE BROKERS AND BANKERS.

Senator Gulley offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second (48-0) and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 106 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

With unanimous consent, upon motion of Senator Hartsell, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 31.

S.B. 144 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 36, noes 12, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Basnight, Carter, Clodfelter,

Cunningham, Dalton, Dannelly, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—36.

Voting in the negative: Senators Allran, Ballantine, Berger, Bingham, Carpenter, Carrington, Forrester, Foxx, Horton, Rucho, Shaw of Guilford and Webster—12.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 759 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITATIONS ON RAIL TRANSPORTATION LIABILITY.

With unanimous consent, upon motion of Senator Gulley, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 15.

S.B. 817 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

The President rules that the House Committee Substitute bill does not require a call of the roll upon concurrence.

The Senate concurs in the House Committee Substitute bill (47-1) and the measure is ordered enrolled and sent to the Governor.

The Senate recesses at 10:53 A.M. for the purpose of an Appropriations/Base Budget meeting to reconvene at 11:30 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Garrou, Senator Hoyle, Senator Moore and Senator Warren.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Plyler for the **Appropriations/Base Budget Committee**:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill CSLT-38, which

changes the title to read **S.B. 34** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; AND TO CLARIFY STATUTORY SALARY INCREASES, is adopted and engrossed.

Upon motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 398 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute is placed on the Calendar for Monday, July 30.

Upon motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 12:36 P.M. to meet Monday, July 30, at 7:00 P.M.

ONE HUNDRED SEVENTH DAY

Senate Chamber
Monday, July 30, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Honorable Bob Carpenter, Senator from Macon County, as follows:

"Thank you, Madame President, members of the Senate. Before I offer the prayer, I'd like to mention to you that the St. Francis of Assissi prayer first came about in the year 1789. My church in Franklin is a St. Francis of Assissi church. I've been a member of that church for 41 years so I offer you tonight the prayer of St. Francis. Shall we pray?

"Lord, make me an instrument of peace, that where there is hatred, I may bring love. Where there is wrong, I may bring the spirit of forgiveness. Where there is discord, I may bring harmony. Where there is error, I may bring truth. Where there is doubt, I may bring faith. Where there is despair, I may bring hope. Where there are shadows, I may bring light. Where there is sadness, I may bring joy. Lord, Grant that I may seek rather to comfort, than to be comforted; to understand, than to be understood; to love, than to be

loved. For it is by self-forgetting that one finds. It is by forgiving that one is forgiven. And it is by dying that one awakens to eternal life. Amen."

The Chair grants leaves of absence for tonight to Senator Ballance, Senator Bingham, Senator Dalton, Senator Dannelly, Senator Martin of Pitt, Senator Rucho, Senator Shaw of Guilford and Senator Warren.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Clifford Kay Callaway from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Dennis Sherrod from Sims, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 144, AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT.

S.B. 278, AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED.

S.B. 817, AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS.

H.B. 195, AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 765, AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 757, AN ACT TO AUTHORIZE WASHINGTON COUNTY TO INCREASE ITS ROOM OCCUPANCY TAX FOR TOURISM PROMOTION. (Became law upon ratification, July 24, 2001–S.L. 2001-305.)

S.B. 653, AN ACT TO MAKE LOCAL MODIFICATIONS IN THE FOOTHILLS REGION CONCERNING AIRPORTS AND IN MITCHELL COUNTY CONCERNING ELECTIONS. (Became law upon ratification, July 26, 2001–S.L. 2001-306.)

H.B. 1174, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF DRUGS IN PUBLIC PARKS AND PLAYGROUNDS. (Became law upon approval of the Governor, July 26, 2001–S.L. 2001-307.)

H.B. 42, AN ACT TO PROVIDE PROPERTY TAX REDUCTIONS BY AUTHORIZING LOCAL GOVERNMENTS TO REDUCE PROPERTY TAXES IN LIGHT OF THE GOVERNOR'S UNANTICIPATED RELEASE OF WITHHELD REIMBURSEMENTS AND BY EXPANDING HOMESTEAD PROPERTY TAX RELIEF FOR ELDERLY AND DISABLED HOMEOWNERS. (Became law upon approval of the Governor, July 26, 2001–S.L. 2001-308.)

S.B. 715, AN ACT TO REQUIRE COLLABORATION BETWEEN THE DIVISION OF SOCIAL SERVICES AND THE COMMISSION OF INDIAN AFFAIRS AND THE NORTH CAROLINA DIRECTORS OF SOCIAL SERVICES ASSOCIATION ON INDIAN CHILD WELFARE ISSUES. (Became law upon approval of the Governor, July 27, 2001–S.L. 2001-309.)

H.B. 34, AN ACT TO BAN BUTTERFLY AND PUNCH-CARD BALLOTS. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-310.)

S.B. 690, AN ACT TO AMEND THE FACILITY AUTHORITY ACT SO AS TO CLARIFY THAT THE CHANCELLOR REPRESENTS THE INTEREST OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-311.)

H.B. 1246, AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN COOPERATION WITH THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES, TO STUDY THE MEASURES USED FOR ADMISSIONS, PLACEMENT, AND ADVANCED PLACEMENT DECISIONS BY THE CONSTITUENT INSTITUTIONS OF THE STATE'S UNIVERSITY SYSTEM, TO ALLOW INTELLECTUALLY GIFTED YOUTHS TO ATTEND COMMUNITY COLLEGES, AND TO ALLOW CERTAIN YOUTHS TO BE EMPLOYED BY INSTITUTIONS OF HIGHER EDUCATION. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-312.)

S.B. 628, AN ACT REQUIRING OUT-OF-STATE CERTIFIED PUBLIC ACCOUNTANTS TO NOTIFY THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS WHEN THEY PERFORM WORK IN THIS STATE, AUTHORIZING THE BOARD TO INCREASE FEES, AND AMENDING CERTAIN PROVISIONS RELATING TO CERTIFIED PUBLIC ACCOUNTANTS. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-313.)

H.B. 1193, AN ACT TO ALLOW VOTERS TO REPORT CHANGES OF ADDRESS BY FAX. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-314.)

H.B. 1186, AN ACT TO ALLOW CIVILIANS THE SAME RIGHT AS MILITARY PERSONNEL TO REGISTER TO VOTE BY FAX. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-315.)

H.B. 1126, AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE OTHER TECHNICAL CHANGES. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-316.)

H.B. 57, AN ACT TO PROVIDE REASONABLE AND PRACTICAL REQUIREMENTS FOR THE LABELING OF CAMPAIGN ADS; AND TO CLARIFY MEDIA LIABILITY. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-317.)

H.B. 897, AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER, INCORPORATED. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-318.)

H.B. 831, AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE THE STATUTES CONCERNING VOTER REGISTRATION LIST MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE DIRECTOR". (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-319.)

H.B. 668, AN ACT TO ESTABLISH MEDIATED SETTLEMENT PROCEDURES IN DISTRICT COURT ACTIONS INVOLVING FAMILY FINANCIAL ISSUES. (Became law upon approval of the Governor, July 28, 2001–S.L. 2001-320.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS

FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Odom, the rules are suspended and the House Committee Substitute bill is placed on tonight's Calendar, for concurrence.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 783 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 31.

S.B. 848 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, July 31.

CALENDAR

Bills on tonight’s Calendar are taken up and disposed of, as follows:

H.B. 715 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY AND TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION.

With unanimous consent, upon motion of Senator Gulley, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Thursday, August 2.

H.B. 1113, A BILL TO BE ENTITLED AN ACT TO LIMIT DISCLOSURE OF CONSUMER FINANCIAL INFORMATION TO THIRD PERSONS AND TO PROVIDE FOR EDUCATION OF THE PUBLIC ON THOSE LIMITATIONS.

With unanimous consent, upon motion of Senator Wellons, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 31.

S.B. 113 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.

With unanimous consent, upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 31.

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Wellons, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, July 31.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 890 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 1680, is adopted and engrossed.

H.B. 942 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT, with an unfavorable report as to Senate Committee Substitute, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 1681, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 868 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Soles, Swindell, Thomas, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

The Committee Substitute bill No. 2 is enrolled.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT NEWSPAPERS SOLD THROUGH A VENDING MACHINE FROM SALES AND USE TAX.

Senator Hoyle offers Amendment No. 1 which is adopted (41-1) and changes the title to read **S.B. 400** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TREAT NEWSPAPER VENDING MACHINES AS STREET VENDORS FOR SALES TAX PURPOSES.

The Committee Substitute bill passes its second (41-1) and third readings and is ordered engrossed and sent to the House of Representatives.

Upon the appearance of Senator Rucho in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 34 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION, placed earlier on tonight's Calendar, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (37-4) and the measure is ordered enrolled and sent to the Governor.

S.B. 11 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (43-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 398 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a bill which is read the first time and disposed of, as follows:

H.B. 381 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PHASE IN IMPLEMENTATION OF MENTAL HEALTH SYSTEM REFORM AT THE STATE AND LOCAL LEVEL.

Referred to **Children and Human Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns subject to ratification of bills, to meet tomorrow, Tuesday, July 31, at 3:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 34, AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:56 P.M.

ONE HUNDRED EIGHTH DAY

Senate Chamber
Tuesday, July 31, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Chris Murray, Pastor, Mount Zion Baptist Church, Louisburg, North Carolina, as follows:

"Our wonderful Lord and Savior, you have asked us, through your written word, to bring our prayers to you with thanksgiving. In this moment we thank you for your love, your grace, and your mercy. We also thank you for your love, your grace, and your mercy. We also thank you for the great leaders that lead our nation and this great State of North Carolina. Thank you for their passion to lead and their compassion to love those they serve. We the people pray that you bless them as we move forward as a united state. In your name we pray, Amen."

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, July 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. William Caswell Sugg, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 11, AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING.

S.B. 398, AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 868, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 765, AN ACT TO AUTHORIZE VANCE COUNTY TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY TAX AND TO MAKE OTHER CHANGES TO THE VANCE COUNTY ROOM OCCUPANCY TAX. (Became law upon ratification, July 30, 2001–S.L. 2001-321.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 405 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 1.

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 1.

S.B. 446 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 1.

S.B. 895 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 1.

S.B. 1081 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives transmitting a joint resolution which is read the first time and disposed of, as follows:

H.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME.

With unanimous consent, upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 7, upon second reading.

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE, with a favorable report.

CALENDAR (*continued*)

S.B. 848 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES, for concurrence in the House Committee Substitute bill.

With unanimous consent, upon motion of Senator Kerr, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor by special message.

H.B. 1113, A BILL TO BE ENTITLED AN ACT TO LIMIT DISCLOSURE OF CONSUMER FINANCIAL INFORMATION TO THIRD PERSONS AND TO PROVIDE FOR EDUCATION OF THE PUBLIC ON THOSE LIMITATIONS.

With unanimous consent, upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

H.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME, placed earlier on today's Calendar.

Upon motion of Senator Ballantine, the joint resolution is read in its entirety and, upon motion of Senator Foxx, the remarks of the Senators, are spread upon the Journal, as follows:

Senator Ballantine:

"Ladies and gentlemen of the Senate, I rise to speak in favor of this resolution. Many of you know of 'Willie' Stargell, the baseball player, one of the greatest baseball players of all time, as indicated by his induction into the Baseball Hall of Fame. I was young then but I remember 1979, Senator Basnight. That was the year 'Willie' Stargell won all those MVP's and won the World Championship for the Pittsburgh Pirates. He was nicknamed 'Pops' because everyone considered him to be like their father. The song that was played in 1979 to epitomize the Pittsburgh Pirates team, the camraderie of that team, was 'We Are Family'. That's really indicative of how 'Willie' Stargell lived his life. I want to speak a little bit more than statistics -- about the man. He was a true celebrity. He came to live with his lovely wife Margaret Weller and they lived in Wilmington, and he became a celebrity in Wilmington, and was asked by everybody to do things for the community and he always said 'yes'. He and his wife were very involved with domestic violence shelters and rape crisis centers, and were just a tremendous asset to the community. We all were saddened by his death even though he did have a long sickness, illness. But this is a great day to remember 'Willie' Stargell, the man and one of the greatest baseball players who ever lived, and I urge you to support this resolution. Thank you."

Senator Garwood:

"As a much younger man, I remember taking my radio out on the back porch at night after dark and listening to the Pittsburgh Pirates. That was in the days of 'Willie' Stargell and Bill Mazeroski, the short stop, and Bob Friend, who was an outstanding pitcher. Somehow, some of the other names escape me but I knew them well and followed that team very closely. You know, I thought it was somewhat unusual that I could pick up that Pittsburgh radio station from Wilkes County, but I did, and listened to them every time they played. Now I was really into the Pirates. 'A strong fan' would not do justice to how I supported them. 'Willie' Stargell was a great name, a great man and a great baseball player, and contributed greatly to the entertainment of thousands, well, millions of people, I'm sure. But one fellow up in the foothills of Western North Carolina was a real strong fan of the Pittsbugh Pirates and 'Willie' Stargell and he brought a lot of joy and entertainment to my life, and I would ask that we enthusiastically support the resolution. Thank you very much."

Senator Metcalf:

"Thank you Madame President, members of the Senate. Senator Ballantine, I want to thank you for bringing this resolution to us. It's a good resolution. There was one part, though, that I'd like to add to it. 'Willie' Stargell played for the Asheville Tourists in 1960. As a little boy, I was ten years old, I went to many games. My Dad took me and my little league baseball coach took me. The thing that we realized then was that 'Willie' was indeed a celebrity, he was indeed a star, and he was indeed a heck of a baseball player. That team that year won that league championship by twelve, fifteen games, I don't know what it was. I shall always remember watching 'Willie'. If you've ever been to McCormick Field you know that in right field there's a bank and a big, tall stand of trees to it, and I've been in that stadium many, many times and I've never seen anyone hit one over

those trees except 'Willie' Stargell. It's really interesting about ‘Willie’ that looking back on that many years later, I realize that he stayed with a friend of mine, one of my political supporters, a prominent African-American lady in town, a business woman there, Earlene McQueen, and Earlene told me one time, she said, 'You know, ‘Willie’ stayed with me.' And I never realized, when you're ten years old you don't realize that you live in a very segregated town. She would often tell me about ‘Willie’ and she'd often call and say, 'I heard from ‘Willie’ today, and he's doing good.' He would come back to town to play in golf tournaments in Asheville. He was indeed a celebrity and it meant a lot to us. To kind of close this circle, about a month ago, and I never realized this resolution was coming, but it's interesting to see how things do come full circle. I was in the building that Ms. McQueen owned at one time. A good friend of mine had bought the building, was redoing the building, had a restaurant downstairs and said, 'Come on upstairs. I want to show you something.' We went up there and you could see that there were rooms up there. And I said, 'You bought this from Ms. McQueen, didn't you?'. And he said, 'Yeah.' And walking down the hall he said, 'This is where ‘Willie’ stayed.' He didn't have to say ‘Willie’ Stargell. We all knew. Senator Ballantine, thank you for this resolution, and I urge its adoption. Thank you."

Senator Soles:

"Madame President, ladies and gentlemen of the Senate, 'Willie' Stargell came back and settled for his latter years in North Carolina in the Senatorial District that I share with other Senators here. I did not really know him very well. I, as you know from my background, I'm not all that much into sports. I spoke the other day on a racecar driver and now I'm talking about baseball, but I want to tell you that I do know his extended family well. They are prominent people in Wilmington and in North Carolina and they're sitting right above me in the gallery. 'Willie's' wife is Margaret Weller-Stargell that you've already heard about it, and the children. Her twin sister is Frances Weller, who's an outstanding TV personality and anchorperson on the TV station in Wilmington. She's done me good and done me bad many times and I love her. Her sister, another sister, is Katherine Moore, who's sitting up there also. Katherine is the Mayor Pro Tem of Wilmington, and she is a loyal supporter of mine and I have been at her house many times, and she's had several functions for me there and I am delighted to tell you what fine people they are here today. Although I don't know the baseball history as well as some of you do, I do know these truly outstanding North Carolinians. Thank you very much."

The joint resolution passes its second reading (49-0) and third reading with members standing and is ordered enrolled.

Upon motion of Senator Ballantine, the President extends the courtesies of the gallery to the family of 'Willie' Stargell: Margaret Weller-Stargell, his wife; Precious Stargell and Dawn Moore, daughters; Dewey Hunt and Jonathan Stargell, cousins; Katherine Weller, mother-in-law; Frances Weller and Katherine Moore, sisters-in-law; and other close friends.

CONFERENCE REPORT

Senator Gulley, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, submits for adoption the following report:

July 31, 2001

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on S.B. 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, House Committee Substitute Favorable 5/14/01, Fourth Edition Engrossed 5/15/01, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 5/14/01, Fourth Edition Engrossed, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S16-CCSRR-1 [v.7].

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

Date conferees approved report: July 31, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Wib Gulley, Chair	S/ Martha B. Alexander, Chair
S/ Steve Metcalf	S/ Walter Church
S/ Ken Moore	S/ H.M. Michaux, Jr.
S/ Frank W. Ballance, Jr.	S/ Martin Nesbitt
	S/ Edgar Starnes
	S/ Leo Daughtry

The text of the attached Proposed Conference Committee Substitute S16-CCSRR-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 23 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"**§ 163-280.1. Municipal boards of elections abolished.**

Municipal boards of elections in all municipalities other than the City of Morganton, the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss, whether created by general statute or by local act, are abolished. The terms of all members of all such municipal boards of elections which are abolished by this section, and all precinct officials appointed by such municipal boards of elections, if those terms have not expired prior to January 1, 2002, expire January 1, 2002."

SECTION 2. G.S. 163-285 reads as rewritten:

"**§ 163-285. Administration by county board of elections; optional by ~~municipality.~~ Morganton, Granite Falls, Old Fort, and Rhodhiss.**

(a) ~~Any city, town or incorporated village which conducts its elections on a~~

~~nonpartisan basis~~ The City of Morganton, the Town of Old Fort, the Town of Granite Falls, and the Town of Rhodhiss may conduct ~~its~~ their own elections, or ~~it~~ they may request the county board of elections of the county in which ~~it is~~ they are located to conduct ~~its~~ their elections. A county board of elections shall conduct the elections of each ~~city, town or incorporated village~~ municipality so requesting and the ~~city, town or incorporated village~~ municipality shall pay the cost thereof according to a formula mutually agreed upon by the county board of elections and the ~~city~~ municipal council. The elections for any other municipality shall be conducted by the county board of elections, and the municipality shall pay the cost thereof according to a formula mutually agreed upon by the county board of elections and the municipal council. If a mutual agreement cannot be reached, then the State Board of Elections shall prescribe the agreement, to which both parties are ~~bound, or, in its discretion, the State Board of Elections shall have authority to instruct the county board of elections to decline the administration of the elections for such city, town or incorporated village.~~ bound.

(1) The elections of ~~cities, towns or incorporated villages~~ municipalities which lie in more than one county shall be conducted either (i) by the county in which the greater number of the ~~city's~~ municipality's citizens reside, according to the most recent federal census of population, or (ii) jointly by the boards of elections of each county in which such ~~city, town or incorporated village~~ municipality is located, as may be mutually agreed upon by the county boards of elections so affected, or (iii) in the case of the City of Morganton or the Towns of Old Fort, Granite Falls, or Rhodhiss, by a municipal board of elections appointed by the governing body of the municipality. The State Board of Elections shall have authority to promulgate regulations for more detailed administration and conduct of municipal elections by county or municipal boards of elections for ~~cities~~ municipalities situated in more than one county.

(2) Any ~~city, town or incorporated village~~ municipality electing to have its elections conducted by the county board of elections as provided by this section, shall do so no later than January 1, 1973 provided, however, the county board of elections shall be entitled to 90 days' notice prior to the effective date decided upon by the municipality. For efficient administration the State Board of Elections shall have the authority to delay the effective date of all such agreements under this section and shall set a date certain on which such agreements shall commence. The State Board of Elections shall also have the authority to permit any ~~city, town or incorporated village~~ municipality to exercise the options under this Article subsequent to the deadline stated in this section.

(3) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 63.

(b) The county board of elections shall have authority to require maps or definitive outlines of the boundaries constituting any municipality or special district whose elections that county board administers and shall be immediately advised of any change or relocation of such boundaries.

(c) The term 'special district' includes a sanitary district, fire district, or school administrative unit, notwithstanding the fact that the taxes of the special district may be levied by a municipality."

SECTION 3. G.S. 163-304 reads as rewritten:

"**§ 163-304. State Board of Elections to have jurisdiction over municipal elections and election officials, and to advise; emergency and ongoing administration by county board.**

(a) Authority and Duty of State Board. - The State Board of Elections shall have the same authority over municipal elections and election officials as it has over county and

State elections and election officials. The State Board of Elections shall advise and assist cities, towns, incorporated villages and special districts, municipal boards of elections, their members and legal officers on the conduct and administration of their elections and registration procedure.

The ~~city~~ municipal council shall provide written notification to the State Board of Elections of the appointment of each member of its municipal board of elections within five days after the appointment. The municipal board of elections and the ~~city~~ municipal council shall provide such other information about the municipal board of elections as the State Board may require. Members of the municipal board of elections and municipal elections officials shall participate in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall provide the same training, materials, and assistance to municipal boards of elections that it provides to county boards of elections.

The county and municipal boards of elections shall be governed by the same rules for settling controversies with respect to counting ballots or certification of the returns of the vote in any municipal or special district election as are in effect for settling such controversies in county and State elections.

(b) Emergency Administration if Municipal Board Is Not Appointed. - If a ~~city~~ municipal council in a ~~city~~ municipality that has elected pursuant to G.S. 163-285 to conduct its own elections has not appointed a municipal board of elections and reported the appointments to the Executive Secretary-Director by ~~March~~ June 1 in the year in which the ~~city~~ municipal election is to occur, the Executive Secretary-Director shall notify the ~~city~~ municipal council that, unless a municipal board of elections is appointed and the Executive Secretary-Director notified of its appointment by ~~April 1~~ June 15 of that year, the county board of elections shall be ordered to conduct that ~~city's~~ municipality's elections that year on an emergency basis. If the ~~city~~ municipal council does not so appoint and so notify by ~~April 1,~~ June 15, the Executive Secretary-Director shall order the county board of elections to conduct the ~~city's~~ municipality's elections that year on an emergency basis.

(c) Emergency Administration Due to Serious Violations. - If a ~~city~~ municipal council or municipal board of elections has committed violations of the applicable portions of this Chapter prior to a ~~city~~ municipal election and those violations are of such magnitude as to give rise to reasonable doubt as to the ability of the municipal board of elections to conduct that election with competence and fairness, the Executive Secretary-Director of the State Board, with the approval of at least four members of the State Board, may order the county board of elections to conduct the remainder of that election on an emergency basis. Before an order is made under this subsection, the ~~city~~ municipal council and municipal board of elections shall be given an opportunity to be heard by the State Board.

(d) ~~Ongoing~~ Permanent County Administration. - The State Board of Elections may designate the county board of elections as the ~~ongoing~~ permanent agency to conduct a ~~city's~~ municipality's elections if all the following conditions are met:

(1) In more than one election conducted by that ~~city~~ municipality either (i) the ~~city's~~ municipality's elections have been administered on an emergency basis pursuant to subsection (b) or (c) of this section or (ii) a new election has been ordered because of irregularities in the ~~city's~~ municipality's administration of the election.

(2) The State Board finds that the interest of the residents of the ~~city~~ municipality in fair and competent administration of elections requires that the ~~city~~ municipality not conduct its own elections.

(3) The ~~city~~ municipal council and municipal board of elections are given an opportunity to be heard before the State Board.

(4) The State Board by a vote of at least four of its members designates the

county board of elections as the ~~ongoing~~ permanent agency to conduct that ~~city's~~ municipality's elections.

The ~~city~~ municipal council may not elect to conduct its own elections under G.S. 163-285 ~~until every member of the city council has been elected in a election conducted by the county board of elections after the State Board's designation.~~ if the State Board has designated the county board of elections under this subsection as the permanent agency to conduct the municipality's elections.

(e) Reimbursement. - If the county board of elections administers a ~~city's~~ municipality's elections pursuant to subsection (b), (c), or (d) of this section, the ~~city~~ municipality shall reimburse the county board of elections in the manner set forth in G.S. 163-285."

SECTION 4. The State Board of Elections shall inspect the operations of the municipal boards of elections in the City of Morganton, the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss during September, October, or November of 2001. The State Board shall make subsequent inspections as needed. Those municipalities shall cooperate with the State Board fully. If an inspection generates findings that election laws or regulations have been violated, the State Board shall take appropriate action under G.S. 163-304 or other applicable law.

SECTION 5. This act prevails over local acts.

SECTION 6. Sections 1 and 2 of this act become effective January 1, 2002, and apply to all primaries and elections held on and after that date. Section 3 of this act becomes effective when this act becomes law with respect to the City of Morganton, the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss. Section 3 of this act becomes effective January 1, 2002, with respect to all other municipalities. Section 4 of this act is effective when this act becomes law. The remainder of this act is effective when it becomes law.

Senator Gulley offers a motion that the rules be suspended and that the Conference Report be placed on today's Calendar, for adoption.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 848, AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES.

CALENDAR (*continued*)

H.B. 942 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute No. 2, as amended, bill passes its second reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester,

Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senators Ballantine, Berger, Foxx, Rucho and Webster—5.

The Senate Committee Substitute No. 2 bill, as amended, remains on the Calendar for tomorrow, Wednesday, August 1, upon second reading.

S.B. 890 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

The Committee Substitute bill No. 2 passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 942 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 44, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senators Ballantine, Berger, Foxx, Rucho and Webster—5.

The Senate Committee Substitute No. 2 bill remains on the Calendar for tomorrow, Wednesday, August 1, upon second reading.

S.B. 890 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA MONEY TRANSMITTERS ACT, ARTICLE 16 OF CHAPTER 53 OF THE GENERAL STATUTES.

The Committee Substitute bill No. 2, as amended, passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 106 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LOCAL BOARDS OF EDUCATION AUTHORITY TO CHANGE THE MANNER OF THEIR ELECTION IN A MANNER MODELED AFTER AUTHORITY ALREADY GIVEN TO CITY AND COUNTY GOVERNING BOARDS.

Senator Odom offers Amendment No. 1 which is adopted (47-2).

Senator Foxx offers Amendment No. 2 which fails of adoption (22-27).

Senator Foxx offers Amendment No. 3 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its third reading (33-16) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 113 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 461 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 783 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, placed earlier on today's Calendar, Conference Report for adoption.

Upon motion of Senator Gulley, the Senate adopts the Conference Report (46-3).

The Chair orders a message sent to the House of Representatives informing that Honorable body of such action.

WITHDRAWALS FROM COMMITTEES

S.B. 720, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE COMMUNITY DEVELOPMENT INITIATIVE, referred to the **Appropriations/Base Budget Committee** on March 29.

Pursuant to Rule 47(a), Senator Lee offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL A BERTIE COUNTY LOCAL ACT REGULATING POSSESSION OF A FIREARM ON A BOAT, re-referred to the **State and Local Government Committee** on May 15.

Pursuant to Rule 47(a), Senator Basnight offers a motion that the Senate Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Alan Keith Bobbitt, Jr., Gastonia; Patrick L. Carey, Kinston; James Frank Chitty, IV, Shelby; Kathryn Marie Cooke, Greensboro; Will Fleming, Greenville; Aaron S. Fritschner, Hendersonville; Justin Keith Hayes, Gastonia; Hugh L. King, Tryon; Holly Lucas, Plymouth; Katherine Cromwell Marks, Greensboro; Jane Andrews Nelson, Greensboro; Iris Lydia Padgett, Casar; Margaret Rose Piggott, Wilson; Casey M. Pike, Nashville; Arthur S. Rogers, Hickory; Hunter Lee Rooker, Wilson; Meredith Lynn Secosky, New Bern; Nicholas Anthony Sisson, Gastonia; Harold Alexander Sumner, Gastonia; Michael Evans Tarwater, Charlotte; and Stephen Alexander Vieira, Hendersonville.

Upon motion of Senator Basnight, seconded by Senator Lee and Senator Gulley, the Senate adjourns at 4:21 P.M. to meet tomorrow, Wednesday, August 1, at 3:00 P.M.

ONE HUNDRED NINTH DAY

Senate Chamber
Wednesday, August 1, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend David Hammond, Pastor, Reddick Chapel Missionary Baptist Church, Greenville, North Carolina, as follows:

"Let us pray. Our father, we are grateful for this day, and we're humbled as we come to this chamber and stand in your divine presence and ask that you would look favorably on each of us, individually and collectively. And make us mindful that you are our God, and besides thee there is none other. We pray that you would cleanse our minds, our thoughts, and even forgive us for our transgressions. Forgive us, Lord, for those things you told us to do that we left undone and those things you told us not to do and we went on and did them anyhow. We ask you, Lord, to bless every member of this Body. Look at the counties and bless those that are servants and representatives of people everywhere. We need your guidance. We can't do this alone. Help us, our Father, and we will be helped. Keep us and we'll be kept. You lead us and we'll be led, for it's in your holy name we pray. Amen."

The Chair grants a leave of absence for today to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, July 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Geoffrey K. Bowman of Statesville, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

August 1, 2001

S.B. 113, AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM.

S.B. 461, AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102.

S.B. 783, AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW.

H.B. 570, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY" WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING POINT SYSTEM FOR PASTURE-BASED PRODUCTION AND MANAGEMENT OF LIVESTOCK.

H.B. 1052, AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS.

H.B. 1084, AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY.

H.B. 1217, AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS.

And the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.J.R. 1456, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILVER DORNELL "WILLIE" STARGELL, MEMBER OF THE BASEBALL HALL OF FAME. (Res. 26)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 34, AN ACT TO EXTEND THE EXPIRATION DATE OF THE LEGISLATION AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 2001, AND EXTENDING EXPIRING PROVISIONS OF LAW; TO APPROPRIATE FUNDS FOR THE STATE EMPLOYEE HEALTH BENEFIT PLAN; TO EXTEND ESTABLISHED PAYMENTS FOR MEDICAL TREATMENTS AND SERVICES TO WORKERS' COMPENSATION PATIENTS; TO CLARIFY

STATUTORY SALARY INCREASES; AND TO AUTHORIZE PRISON CONSTRUCTION. (Became law upon approval of the Governor, July 31, 2001–S.L. 2001-322.)

S.B. 398, AN ACT TO DELAY THE SUNSET OF THE PROVISIONS OF THE CHECK CASHER ACT AUTHORIZING POSTDATED OR DELAYED DEPOSIT CHECKS. (Became law upon approval of the Governor, July 31, 2001–S.L. 2001-323.)

S.B. 817, AN ACT TO AMEND THE STATE BUILDING CODE REGARDING DOOR LOCK REQUIREMENTS IN CERTAIN SITUATIONS. (Became law upon approval of the Governor, July 31, 2001–S.L. 2001-324.)

H.B. 868, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF NAVASSA, AND TO AMEND THE CHARTER OF THE TOWN OF NAVASSA TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND ALLOW FOR DISTRICT ELECTIONS. (Became law upon ratification, July 31, 2001–S.L. 2001-325.)

S.B. 848, AN ACT TO INCLUDE PUBLIC LIVESTOCK MARKETS WITHIN THE DEFINITION OF ANIMAL OPERATIONS FOR THE PURPOSE OF REGULATING THE ANIMAL WASTE MANAGEMENT SYSTEMS THAT SERVE THESE MARKETS AND TO PROVIDE THAT AN ANIMAL WASTE MANAGEMENT SYSTEM THAT SERVES A PUBLIC LIVESTOCK MARKET MAY BE PERMITTED EITHER AS AN ANIMAL OPERATION OR UNDER THE STATE'S GENERAL WATER QUALITY STATUTES. (Became law upon approval of the Governor, August 1, 2001–S.L. 2001-326.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6753 is adopted and engrossed.

By Senator Robinson for the **State and Local Government Committee**:

H.B. 906, A BILL TO BE ENTITLED AN ACT MAKING A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 9327, which changes the title to read **H.B. 906** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM

THE CITY'S FAIR HOUSING ORDINANCE, TO EXPAND THE DURHAM COUNTY ABC BOARD TO FIVE MEMBERS, AND ALLOW THE CITY OF DURHAM TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A TRANSFER FACILITY AND PARKING DECK, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, for concurrence in the House Committee Substitute bill.

Senator Hoyle offers a motion that the rules be suspended to the end that the House Committee Substitute bill be placed at the end of today's Calendar, which motion prevails, with unanimous consent.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, August 2.

S.B. 780 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, August 2.

S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Thursday, August 2.

CONFERENCE REPORT

Senator Ballance, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 137 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House

August 1, 2001

of Representatives on S.B. 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, House Committee Substitute Favorable 4/12/01, Fifth Edition Engrossed 5/29/01, submit the following report:

The Senate and House of Representatives agree to the following amendment to the House Committee Substitute Favorable 4/12/01, Fifth Edition Engrossed 5/29/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 4/12/01, Fifth Edition Engrossed 5/29/01, and substitute the attached Proposed Conference Committee Substitute S137-PCCS1682-RO-1.

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

Date conferees approved report: July 31, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ Frank W. Ballance, Jr., Chair	S/ Henry M. Michaux, Jr., Chair
S/ Luther Jordan	S/ Wayne Goodwin
S/ Stan W. Bingham	S/ Joe L. Kiser

The text of the attached Proposed Conference Committee Substitute S137-PCCS1682-RO-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Correctional officers and security supervisors employed at private correctional facilities pursuant to a contract between their employer and the Federal Bureau of Prisons may, in the course of their employment as correctional officers or security supervisors, use necessary force and make arrests consistent with the laws applicable to the North Carolina Department of Correction, which force shall not exceed that authorized to Department of Correction officers, provided that the Department of Correction determines that as of the effective date of this act, the employment policies of such private corporations meet the same minimum standards and practices followed by the Department of Correction in employing its correctional personnel, and if:

(1) Those correctional officers and security supervisors have been certified as correctional officers as provided under Chapter 17C of the General Statutes; or

(2) Those correctional officers and security supervisors employed by the private corporation at the facility have completed a training curriculum that the Department of Correction has determined meets or exceeds the standards required by the North Carolina Criminal Justice Education and Training Standards Commission for correctional personnel. The Department may require that it be notified of the names and positions of such persons prior to such persons beginning duties at the correctional facility, and the names and positions of those persons already employed at the correctional facility on

the effective date of this act and that the Department be notified when any such person is no longer employed in such duties at the correctional facility.

SECTION 2. Any private corporation described in Section 1 of this act shall without limit defend, indemnify, and hold harmless the State, its officers, employees, and agents from any claims arising out of the operation of the private correctional facility, or the granting of the powers authorized under this act, including any attorneys' fees or other legal costs incurred by the State, its officers, employees, or agents as a result of such claims.

SECTION 2.1. Any private corporation described in Section 1 of this act shall reimburse the State and any county or other law enforcement agency for the full cost of any additional expenses incurred by the State or the county or other law enforcement agency in connection with the pursuit and apprehension of an escaped inmate from the facility.

In the event of an escape from the facility, any private corporation described in Section 1 of this act shall immediately notify the sheriff in the county in which the facility is located and shall notify the Department of Correction which shall cause an immediate entry into the State Bureau of Investigation Division of Criminal Information network. The sheriff of the county in which the facility is located shall be the lead law enforcement officer in connection with the pursuit and apprehension of an escaped inmate from the facility.

SECTION 3. Any private corporation described in Section 1 of this act must maintain in force liability insurance to satisfy any final judgment rendered against the private corporation or the State, its officers, employees, and agents that arises out of the operation of the correctional facility or the indemnification requirements in Section 2 of this act. The minimum amount of liability insurance that will be required under this section is ten million dollars ($10,000,000) per occurrence, and twenty-five million dollars ($25,000,000) aggregate per occurrence. The private corporation shall ensure that its insurance company shall provide the Department of Correction with a current Certificate of Insurance evidencing compliance with the requirements of this section within 10 days of the effective date of this act and annually thereafter.

SECTION 4. The Department of Correction shall adopt rules to implement the provisions of this act.

SECTION 5. The authority set forth in this act to use necessary force and make arrests shall be in addition to any existing authority set forth in the statutory or common law of the State, but shall not exceed the authority to use necessary force and make arrests set out in Section 1 of this act.

SECTION 6. A private corporation described in Section 1 of this act shall bear the reasonable costs of services provided by the Department of Correction for the corporation. The amount of the costs shall be determined by the Secretary of the Department.

SECTION 7. This act is effective when it becomes law, applies to private correctional facilities and the employees of those correctional facilities constructed and contracted to be operated by the effective date of this act, and expires two years after the effective date.

The Conference Report is placed on the Calendar for tomorrow, Thursday, August 2, for adoption.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 2, for third reading.

S.B. 405 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled.

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled.

H.B. 942 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT, upon third reading, as amended on second reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: Senators Ballantine, Foxx and Webster—3.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 7.

H.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 446 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill upon second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 2, for concurrence upon third reading.

S.B. 895 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1081 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate fails to concur in the House Committee

Substitute bill (7-42).

Senator Hoyle offers a motion that the Senate appoint conferees, which motion prevails.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Hoyle, Chairman; and Senator Carrington; Senator Dalton; Senator Forrester and Senator Wellons as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

ADDITIONAL SPONSOR

Senator Wellons requests to be added as a sponsor of previously introduced legislation:

S.B. 1054, A BILL TO BE ENTITLED AN ACT TO PHASE IN A VOLUNTARY PROGRAM THAT GIVES CANDIDATES FOR CERTAIN ELECTIVE OFFICES THE OPTION OF CHOOSING TO FINANCE THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY FUND-RAISING AND SPENDING LIMITS.

Upon motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 3:34 P.M. to meet tomorrow, Thursday, August 2, at 11:00 A.M.

ONE HUNDRED TENTH DAY

Senate Chamber
Thursday, August 2, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by Dr. Bill Gattis, University Methodist Church, Chapel Hill, North Carolina as follows:

"O Lord, what a morning, the sky Carolina blue, the temp like spring, O Lord, what a morning. But amid the splendor of the morning and thoughts of catfish jumping, walks along a beach, vacation pleasure with family and friends, some of us still remain at the wheel of pressing duty, so we offer praise to you for dutiful conscience and noble vocation found in civic life.

"Most merciful God who has made us for thyself so that our hearts are restless until they find rest with thee, in this moment of prayer we renew our faith, we reaffirm the fact that thou art with us, and we reinforce our desire to be of real service to our State and all its citizens.

"May the splendor of your spirit and the strength of your presence be revealed to us and through us, particularly when we are assailed by the moods of frustration and feel that all our endeavors are in vain.

"Help us to meet the hard day with high courage, to do our demanding duties with undying devotion, and to practice what we profess lest our professions be proven impractical.

"Bless the leaders of our State, these men and women of the Senate, and all who labor

with them to creatively meet the demands of this distracting day.

"May their faith in thee hold them, keep them strong, and help them guide this State on the way to peace, justice and good will for all.

"In the holy and mighty name of the one who creates every morning, we pray. Amen."

The Chair grants leaves of absence for today to Senator Allran, Senator Garrou, Senator Gulley, Senator Lee, Senator Martin of Pitt, and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, August 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Isaac Henry Miller from Roanoke Rapids, North Carolina, who is serving the Senate as Doctor of the Day, and to Karen Willis from Gastonia, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for Monday, August 6.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 1, 2001

Madame President:

Pursuant to your message that you have adopted the report of the Conferees on SB 16, A BILL TO BE ENTITLED AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS, it is ordered that a message be sent your Honorable Body with the information that the House of Representatives has adopted the

report of the Conferees and you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 16 on July 31, the President orders the bill enrolled and sent to the Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 895, AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL.

S.B. 1081, AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES.

H.B. 385, AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 612, AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 405, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

S.B. 420, AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY.

Upon motion of Senator Plyler and Senator Purcell, the President extends the courtesies of the gallery to Judy Davis, Mayor of Monroe; P.E. Bazeman, Mayor Pro Tem of Monroe; and Doug Spell, City Manager.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 715 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ADDITIONAL DISTRIBUTION OF THE PROCEEDS OF THE MECKLENBURG OCCUPANCY TAX AMONG THE TOWNS OF MECKLENBURG COUNTY AND TO SUNSET THE MECKLENBURG MEALS TAX AND THE ADDITIONAL DISTRIBUTION.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

With unanimous consent, upon motion of Senator Albertson, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Monday, August 6.

INTRODUCTION OF A RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Clodfelter; Bingham and Cunningham:

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE.

Referred to **Rules and Operations of the Senate Committee**.

Upon motion of Senator Odom, the President extends the courtesies of the gallery to Dr. Kaled El Hicheri of Tunisia, Former Chief Veterinary Officer and Minister of Agriculture in Tunisia, and currently General Secretary for the organizing committee of the Twenty-Seventh World Veterinary Congress, and his son Arkin Hicheri.

CALENDAR (*continued*)

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garwood, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—43.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 906 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, TO EXPAND THE DURHAM COUNTY ABC BOARD TO FIVE MEMBERS, AND ALLOW THE CITY OF DURHAM TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A TRANSFER FACILITY AND PARKING DECK.

The Senate Committee Substitute passes its second (43-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 439 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

The Senate Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 446 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS, for concurrence in the House Committee Substitute bill, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—43.

Voting in the negative: Senator Shaw of Guilford—1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 778 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 780 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 137 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW, Conference

Report, for adoption.

Upon motion of Senator Ballance, the Senate adopts the Conference Report (44-0).

The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

H.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX, with a favorable report.

H.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS AND TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7676, which changes the title to read **H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 2, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute to SB 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES, and requests conferees,

The Speaker appoints:

Representative Jarrell, Chair;
Representative Alexander,

Representative McComas,
Representative Buchanan, and
Representative Allen

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

Respectfully,
S/Denise Weeks
Principal Clerk

Upon motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 11:37 A.M., in honor of Senator Lucas' forty-second wedding anniversary, to meet Monday, August 6, at 7:00 P.M.

ONE HUNDRED ELEVENTH DAY

Senate Chamber
Monday, August 6, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we remember that in the house of Simon, the leper at Bethany, a woman broke an alabaster jar of very costly perfume and poured it over Jesus' head. The scripture says it was worth a whole year's wares for one person.

" 'What a waste,' the disgruntled disciples complained. 'The perfume could have been sold for a large sum of money and used in more helpful ways.'

"I guess like the disciples, all of us have the occasion to argue over budgets and finance because we have different priorities. Tonight, we pray especially for the Senate and House conferees. Be present for them and mediate their discussions so that they may understand. At the successful resolution of their negotiations, Jesus' words to his disciples, 'Why do you trouble this woman? She has done what is good and fitting in my behalf.' Amen."

The Chair grants leaves of absence for tonight to Senator Berger, Senator Dalton, Senator Horton, Senator Martin of Pitt, Senator Metcalf, Senator Thomas, Senator Warren, and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, August 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Robert Xavier Morrell, Jr. from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Penny Faulkner from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 16, AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS.

S.B. 446, AN ACT TO AMEND THE NORTH CAROLINA PHARMACY PRACTICE ACT BY AUTHORIZING THE BOARD TO ESTABLISH REGISTRATION CRITERIA FOR PHARMACY TECHNICIANS AND TO INCLUDE PHARMACY TECHNICIANS IN BOARD AGREEMENTS WITH SPECIAL PEER REVIEW ORGANIZATIONS.

S.B. 778, AN ACT TO MODIFY THE LAW REGARDING CRIMINAL HISTORY CHECKS OF APPLICANTS FOR EMPLOYMENT IN PUBLIC SCHOOLS.

S.B. 780, AN ACT TO CLARIFY THE METHOD BY WHICH PHYSICIANS' LIENS ARE PERFECTED AND THE DUTIES OF ATTORNEYS WITH RESPECT TO PHYSICIANS' LIENS.

S.B. 1062, AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 1157, AN ACT TO COMBAT TAX FRAUD, ENHANCE CORPORATE COMPLIANCE WITH TAXES ON TRADEMARK INCOME, ASSURE THAT FRANCHISE TAX APPLIES EQUALLY TO CORPORATE ASSETS, AND CONFORM CORPORATE DIVIDEND TREATMENT TO THE GENERALLY ACCEPTED FORMULA USED IN OTHER STATES. (Became law upon approval of the Governor, August 2, 2001–S.L. 2001-327.)

H.B. 1169, AN ACT AMENDING THE LOCAL GOVERNMENT PURCHASING LAWS UNDER THE LAWS RELATING TO PUBLIC CONTRACTS AND THE SALE OF PROPERTY FOR CITIES AND TOWNS. (Became law upon approval of the Governor, August 2, 2001–S.L. 2001-328.)

S.B. 405, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE. (Became law upon ratification, August 2, 2001–S.L. 2001-329.)

S.B. 420, AN ACT TO ELIMINATE THE RESIDENCY REQUIREMENT FOR POLICE OFFICERS OF THE CITY OF ROCKY MOUNT; TO REGULATE CENTER-FIRED RIFLE HUNTING IN PERQUIMANS COUNTY; AND TO PROHIBIT

HUNTING ON THE LAND OF ANOTHER WITHOUT WRITTEN PERMISSION IN PERQUIMANS COUNTY. (Became law upon ratification, August 2, 2001–S.L. 2001-330.)

H.B. 774, AN ACT TO PROVIDE FOR HOW DRIVERS SHALL OPERATE THEIR MOTOR VEHICLES WHEN PASSING PARKED OR STANDING EMERGENCY VEHICLES THAT HAVE THEIR EMERGENCY LIGHTS ILLUMINATED, AND TO REQUIRE RENTAL CAR COMPANIES TO NOTIFY RENTERS OF THE LAW FORBIDDING PASSING OF A STOPPED SCHOOL BUS. (Became law upon approval of the Governor, August 2, 2001–S.L. 2001-331.)

S.B. 751, AN ACT TO INCREASE THE PUNISHMENT FOR DRUG OFFENSES COMMITTED AT OR NEAR CHILD CARE CENTERS. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-332.)

S.B. 476, AN ACT TO REALIGN SUPERIOR COURT DISTRICTS IN GUILFORD AND WAKE COUNTIES. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-333.)

H.B. 360, AN ACT TO CLARIFY THE LAW ON STIPULATIONS AS TO JURISDICTION AND LIMITATIONS OF ACTION AND THE PREFERRED PROVIDER PLAN LAW; AMEND THE SMALL EMPLOYER RATE GUARANTEE LAW; PROVIDE FOR THE PROMOTION OF ALCOHOL AND NARCOTIC SCREENING AND INTERVENTION; AMEND THE LAW ON NEWBORN AND FOSTER CHILD COVERAGE; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONFINEMENT OR PREGNANCY; PROVIDE FOR A HEALTH INSURANCE CONTINUATION ELECTION PERIOD; REQUIRE AN HMO GROUP COVERAGE PREMIUM CHANGE NOTICE; CLARIFY THE HMO POINT-OF-SERVICE LAW; PROVIDE FOR SUCCESSOR HEALTH PLAN COVERAGE FOR CONDITIONS FIRST DIAGNOSED UNDER PREVIOUS COVERAGE; EXPAND MEDICARE SUPPLEMENT GUARANTEED ISSUANCE FOR DISABLED PERSONS; ALLOW THE INSURANCE COMMISSIONER TO ADOPT TEMPORARY RULES FOR MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE TO IMPLEMENT FEDERAL REQUIREMENTS; MAKE TECHNICAL CORRECTIONS TO REFLECT REPEALS OF LAWS; CLARIFY THE LAWS ON RECONSTRUCTIVE SURGERY NOTICES; CLARIFY THE LAW ON DEEMER PROVISIONS; CODIFY A RULE ON CLAIM STATUS UPDATES; MAKE TECHNICAL CHANGES IN MORTGAGE GUARANTY INSURANCE RESERVING LAWS; AUTHORIZE THE ADOPTION OF LIFE AND HEALTH ACTUARIAL RULES; AND CLARIFY LAWS ON LOCAL GOVERNMENT RISK POOLING. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-334.)

H.B. 146, AN ACT TO MODIFY THE PASS-THROUGH DISTRIBUTION OF PARTNERSHIP INCOME TAX CREDITS. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-335.)

S.B. 627, AN ACT TO REQUIRE LIABILITY INSURANCE ON MOTOR VEHICLES OPERATED IN THE STATE BY STUDENTS WHO REQUEST A PERMIT TO PARK AT A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-336.)

H.B. 977, AN ACT TO REMOVE THE EXCUSE REQUIREMENT FROM ABSENTEE VOTING. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-337.)

H.B. 332, AN ACT TO REVISE THE BUSINESS ENERGY IMPROVEMENT PROGRAM. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-338.)

H.B. 437, AN ACT TO CLARIFY THAT ANY PLACE, WHETHER LOCATED IN THIS STATE OR OUT-OF-STATE, DELIVERING OR DISPENSING DEVICES OR MEDICAL EQUIPMENT TO A USER IN THIS STATE SHALL COMPLY WITH THE REGISTRATION REQUIREMENTS OF THE BOARD OF PHARMACY. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-339.)

S.B. 815, AN ACT TO REQUIRE LENDERS TO PROVIDE APPLICANTS FOR HOME LOANS WITH AMORTIZATION INFORMATION AND AMORTIZATION CHARTS FOR FIXED RATE HOME LOANS. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-340.)

H.B. 686, AN ACT TO DEFINE "RECREATION VEHICLE" AND TO INCREASE THE LENGTH AND WIDTH LIMITATIONS FOR THESE VEHICLES. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-341.)

S.B. 157, AN ACT TO AMEND CERTAIN PROVISIONS UNDER THE DIETETICS/NUTRITION PRACTICE ACT AND TO AUTHORIZE THE BOARD OF DIETETICS/NUTRITION TO INCREASE FEES. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-342.)

H.B. 1318, AN ACT TO AMEND AND CLARIFY THE FARM MACHINERY AGREEMENT LAW. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-343.)

H.B. 363, AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-344.)

H.B. 432, AN ACT TO ESTABLISH CIVIL PENALTIES FOR SELLING CARS IN VIOLATION OF THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, AND TO ESTABLISH EDUCATIONAL REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSURE FOR USED MOTOR VEHICLE DEALERS. (Became law upon approval of the Governor, August 3, 2001–S.L. 2001-345.)

S.B. 173, AN ACT TO PROVIDE THAT A MENTALLY RETARDED PERSON CONVICTED OF FIRST DEGREE MURDER SHALL NOT BE SENTENCED TO DEATH. (Became law upon approval of the Governor, August 4, 2001–S.L. 2001-346.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

August 6, 2001

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, for concurrence in the House Committee Substitute bill No. 2.

Referred to **Finance Committee**.

S.B. 633 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, August 7.

S.B. 936 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, August 7.

H.B. 1070 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE RESIGNATION, REMOVAL, AND RENUNCIATION OF TRUSTEES AND FOR THE APPOINTMENT OF SUCCESSOR TRUSTEES.

Referred to **Judiciary II Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special messages are received from the House of Representatives which are read the first time and disposed of, as follows:

House of Representatives
August 2, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on SB 137, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report on August 2, the President orders the bill enrolled and sent to the Governor.

House of Representatives
August 2, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **H.B. 355**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; AND TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES, and requests conferees,

The Speaker appoints:

Representative Hurley, Chair;
Representative Dockham,
Representative C. Wilson,
Representative Blue, and
Representative Smith

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

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 1073 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY.

With unanimous consent, upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 8, upon second reading.

S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

With unanimous consent, upon motion of Senator Albertson, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for tomorrow, Tuesday, August 7.

H.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Weinstein and Wellons—38.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, August 7, upon third reading.

Upon motion of Senator Rand, the President extends the privileges of the floor to Mr. Simon James Power, a National Party member from Rangitikei, New Zealand. Mr. Power represents a rural electorate in New Zealand that includes two of the country's largest military bases.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee**:

S.B. 52, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR ANSON COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution .

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 3896, which changes the title to read **S.J.R. 52** (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF GREAT NORTH CAROLINIANS AND NAMING BILLY GRAHAM AS A FAVORITE SON OF NORTH CAROLINA, is adopted and engrossed.

With unanimous consent, upon motion of Senator Rand, the Committee Substitute joint resolution is placed on the Calendar for Wednesday, August 8.

CALENDAR (*continued*)

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, for concurrence in House Amendment No. 1, upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Kerr, Lee, Lucas, Martin of

Guilford, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Weinstein and Wellons—37.

Voting in the negative: Senator Kinnaird—1.

The Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, August 7, for concurrence, upon third reading.

CONFERENCE REPORT

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 353 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS House Committee Substitute No. 2, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 6/18/01, Seventh Edition Engrossed 6/21/01, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 6/18/01, Seventh Edition Engrossed 6/21/01, and substitute the attached Proposed Conference Committee Substitute S353-PCCS3893-LCf-2.

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

Date conferees approved report: August 1, 2001.

Conferees for the Senate	*Conferees for the House of Representatives*
S/ John H. Kerr III, Chair	S/ Gordon P. Allen, Chair
S/ David W. Hoyle	S/ Paul Luebke
S/ Thomas LaFontine Odom, Sr.	S/ William L. Wainwright
S/ Fletcher Hartsell, Jr.	S/ Charles F. Buchanan
	S/ David Redwine
	S/ Ruth M. Easterling
	Gregory J. Thompson
	S/ Warren "Pete" Oldham

The text of the attached Proposed Conference Committee Substitute S353-PCCS3893 is as follows:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

The General Assembly of North Carolina enacts:

August 6, 2001

SECTION 1. The General Assembly finds that the Department of Revenue has documented that the State's cost of collecting overdue tax debts exceeds twenty percent (20%) of the amount of the overdue tax debts. The General Assembly finds that the cost of collecting overdue tax debts is currently borne by taxpayers who pay their taxes on time. It is the intent of the General Assembly by this act to shift this cost to the delinquent taxpayers who owe overdue tax debts.

SECTION 2. Article 9 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"**§ 105-243.1. Collection of tax debts.**

(a) Definitions. - The following definitions apply in this section:

(1) Overdue tax debt. - Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.

(2) Tax debt. - The total amount of tax, penalty, and interest due for which a notice of final assessment has been mailed to a taxpayer after the taxpayer no longer has the right to contest the debt.

(b) Outsourcing. - The Secretary may contract for the collection of tax debts. At least 30 days before the Department submits a tax debt to a contractor for collection, the Department must notify the taxpayer by mail that the debt may be submitted for collection if payment is not received within 30 days after the notice was mailed.

(c) Secrecy. - A contract for the collection of tax debts is conditioned on compliance with G.S. 105-259. If a contractor violates G.S. 105-259, the contract is terminated, and the Secretary must notify the contractor of the termination. A contractor whose contract is terminated for violation of G.S. 105-259 is not eligible for an award of another contract under this section for a period of five years from the termination. These sanctions are in addition to the criminal penalties set out in G.S. 105-259.

(d) Fee. - A collection assistance fee is imposed on an overdue tax debt that remains unpaid 30 days or more after the fee notice required by this subsection is mailed to the taxpayer. In order to impose a collection assistance fee on a tax debt, the Department must notify the taxpayer that the fee will be imposed if the tax debt is not paid in full within 30 days after the date the fee notice was mailed to the taxpayer. The Department may not mail the fee notice earlier than 60 days after the notice of final assessment for the tax debt was mailed to the taxpayer. The fee is collectible as part of the debt. The Secretary may waive the fee pursuant to G.S. 105-237 to the same extent as if it were a penalty.

The amount of the collection assistance fee is twenty percent (20%) of the amount of the overdue tax debt. If a taxpayer pays only part of an overdue tax debt, the payment is credited proportionally to fee revenue and tax revenue.

(e) Use. - The fee is a receipt of the Department and must be applied to the costs of collecting overdue tax debts. The proceeds of the fee must be credited to a special account within the Department and may be expended only as provided in this subsection. The Department may apply the proceeds of the fee to pay contractors for collecting tax debts under subsection (b) of this section and to pay the fee the United States Department of the Treasury charges for setoff to recover tax owed to North Carolina. The remaining proceeds of the fee may be spent only pursuant to appropriation by the General Assembly. The fee proceeds do not revert but remain in the special account until spent for the costs of collecting overdue tax debts.

(f) Reports. - The Department must report to the Joint Legislative Commission on Governmental Operations and to the Revenue Laws Study Committee on its efforts to collect tax debts. Reports must be submitted quarterly beginning November 1, 2001,

through November 1, 2002, and semiannually thereafter. Each report must include a breakdown of the amount and age of tax debts collected by collection agencies on contract, the amount and age of tax debts collected by the Department through warning letters, and the amount and age of tax debts otherwise collected by Department personnel. Each report must also include a long-term collection plan, a timeline for implementing each step of the plan, a summary of steps taken since the last report and their results, and any other data requested by the Commission or the Committee."

SECTION 3. G.S. 105A-13 reads as rewritten:

"**§ 105A-13. Collection assistance fees.**

(a) State Setoff. - To recover the costs incurred by the Department in collecting debts under this Chapter, a collection assistance fee of no more than fifteen dollars ($15.00) is imposed on each debt collected through setoff. The Department must collect this fee as part of the debt and retain it. The Department must set the amount of the collection assistance fee based on its actual cost of collection under this Chapter for the immediately preceding year. If the Department is able to collect only part of a debt through setoff, the collection assistance fee has priority over the remainder of the debt. The collection assistance fee shall not be added to child support debts or collected as part of child support debts. Instead, the Department shall retain from collections under Division II of Article 4 of Chapter 105 of the General Statutes the cost of collecting child support debts under this Chapter.

~~(b) Federal Setoff. - A collection assistance fee of fifteen dollars ($15.00) applies to a setoff made by the United States Department of the Treasury to recover tax owed to North Carolina. The Department of Revenue must add the fee to the amount of the tax liability submitted to the United States Department of the Treasury for setoff. The Department of Revenue must collect the fee as part of the debt and retain it. If a federal setoff covers only part of the tax due, the collection assistance fee has priority over the tax due.~~"

SECTION 4. G.S. 105-269 reads as rewritten:

"**§ 105-269. Extraterritorial authority to enforce payment.**

(a) The ~~Secretary of Revenue,~~ Secretary, with the assistance of the Attorney General, is ~~hereby empowered~~ authorized to bring suits in the courts of other states to collect taxes legally due this State. The officials of other states ~~which~~ that extend a like comity to this State are empowered to sue for the collection of ~~such~~ taxes in the courts of this State. A certificate by the Secretary of State, under the Great Seal of the State, that ~~such~~ these officers have authority to collect the tax ~~shall be~~ is conclusive evidence of ~~such~~ this authority. Whenever ~~it shall be deemed expedient by the Secretary of Revenue~~ the Secretary considers it expedient to employ local counsel to assist in bringing suit in an out-of-state court, the Secretary, with the concurrence of the Attorney General, may employ ~~such~~ local counsel on the basis of a negotiated retainer or in accordance with prevailing commercial law league rates.

~~(b) The Secretary of Revenue may, in accordance with the procedure prescribed in G.S. 143-49(3), contract for the collection of taxes legally due this State from taxpayers located in other states. The Secretary may furnish to a contractor hired pursuant to this subsection any information he considers necessary to identify and locate a taxpayer, establish the tax liability of a taxpayer, or effect collection of the amount due.~~"

SECTION 5. G.S. 105-259(b) is amended by adding a new subdivision to read:

"(b) Disclosure Prohibited. - An officer, an employee, or an agent of the State who has access to tax information in the course of service to or employment by the State may not disclose the information to any other person unless the disclosure is made for one of the following purposes:

. . .

(26) To contract for the collection of tax debts pursuant to G.S. 105-243.1."

SECTION 6. Section 5(a) of S.L. 1999-341, as amended by Section 16 of S.L. 2000-120, reads as rewritten:

"Section 5.(a) The Secretary of Revenue shall contract during the 1999-2001 fiscal biennium for the collection of delinquent tax debts owed by nonresidents and foreign entities. To implement this section, the Secretary may draw funds for the 1999-2000 fiscal year from net collections that would otherwise be credited to the General Fund under G.S. 105-269.14, enacted by Section 2 of this act. For the 2000-2001 ~~fiscal year,~~ and 2001-2002 fiscal years, the Secretary may retain the costs of implementing this section from the amounts collected pursuant to the contracts authorized by this section. The Secretary of Revenue shall report annually to the Revenue Laws Study Committee on its collections pursuant to this contract during the biennium."

SECTION 7. The Department of Revenue may draw up to five hundred thousand dollars ($500,000) for the 2001-2002 fiscal year from the collection assistance fee account created in G.S. 105-243.1 in order to pay for assistance in developing a request for proposals for a performance-based contract to implement the recommendations of the study authorized in Section 6 of S.L. 1999-341, as amended by Section 17 of S.L. 2000-120. The fee proceeds may be used for this purpose only to the extent the contract is for collecting overdue tax debts as defined in G.S. 105-243.1.

SECTION 8. G.S. 105-243.1(b), as enacted by this act, reads as rewritten:

"(b) Outsourcing. - The Secretary may contract for the collection of tax ~~debts.~~ debts owed by nonresidents and foreign entities. At least 30 days before the Department submits a tax debt to a contractor for collection, the Department must notify the taxpayer by mail that the debt may be submitted for collection if payment is not received within 30 days after the notice was mailed."

SECTION 9. Section 3 of this act becomes effective November 1, 2001. Section 6 of this act is effective on and after July 1, 2001. Section 8 of this act becomes effective October 1, 2003. The remainder of this act is effective when it becomes law and applies to tax debts that remain unpaid on or after that date.

The Conference Report is placed on the Calendar for Wednesday, August 8, for adoption.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Suzanne Michelle Atkinson, Raleigh; Dylan Bennett, Kill Devil Hills; Charlie Chakales, Asheville; Kristina Coleman, Raleigh; Matthew Owen Fisher, Fayetteville; Andrew Robert Fulcher, Raleigh; Calvin Greene, Kinston; Thomas Wayne Hall, Jr., Raleigh; James Chandler Kotecki, Raleigh; Kathryn Meredith Payne, Winterville; Anne Pearlstein, Durham; Jason Alexander Sabow, Cary; Shawn Safvi, Chapel Hill; Katherine Stevens, Cary; Chelsea Thomas, Raleigh; Tyler Jesse Trawick, Durham; Nita Jeanette Watts, Taylorsville; and Elizabeth Parker Woltz, Mount Airy.

Upon motion of Senator Basnight, seconded by Senator Cunningham, the Senate adjourns at 7:36 P.M. to meet tomorrow, Tuesday, August 7, at 3:00 P.M.

ONE HUNDRED TWELFTH DAY

Senate Chamber
Tuesday, August 7, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Whose prayer do you answer when opposing sides huddle separately and both ask for victory? As observers, forgive us our inclination to pray for our favorite side. Teach us instead to play for ourselves, that we may not divide the sides in our prayers but keep them both together in our hearts and minds. Then we shall truly understand the term, 'thy will be done', and your answer will be forthcoming. Amen."

The Chair grants leaves of absence for today to Senator Gulley, Senator Horton, Senator Martin of Pitt and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, August 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Masoud Ahdieh from Hamlet, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 137, AN ACT TO AUTHORIZE CERTAIN PRIVATE CORRECTIONAL OFFICERS TO USE FORCE AND MAKE ARRESTS CONSISTENT WITH NORTH CAROLINA LAW.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 531 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 8.

REPORTS OF COMMITTEES

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

S.B. 946, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO REQUIRE CRIMINAL RECORD CHECKS OF PERSONS APPLYING TO PRACTICE BARBERING IN THIS STATE, TO FIX SALARIES FOR BOARD EMPLOYEES, AND TO INCREASE FEES, AND ALLOWING THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL RECORD CHECKS OF APPLICANTS DESIRING TO PRACTICE BARBERING IN THIS STATE UPON THE BOARD'S REQUEST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7677, which changes the title to read **S.B. 946** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING THE PRACTICE OF BARBERING, AUTHORIZING THE STATE BOARD OF BARBER EXAMINERS TO HAVE CONDUCTED CRIMINAL RECORD CHECKS OF PERSONS APPLYING TO PRACTICE BARBERING IN THIS STATE, TO FIX SALARIES FOR BOARD EMPLOYEES, AND TO INCREASE FEES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 8672, which changes the title to read **H.B. 115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST, is adopted and engrossed.

PRESENTATION TO SENATOR MARC BASNIGHT

With unanimous consent, upon motion of Senator Rand, the privileges of the floor are extended to Mr. Humpy Wheeler and Mr. Doug Stafford from NASCAR Motor Sports. Senator Plyler, Senator Rand, Senator Hoyle, Senator Hartsell, Senator Forrester, and Senator Bingham are appointed to escort Mr. Wheeler and Mr. Stafford to the Well of the Senate. Senator Plyler is recognized to introduce Mr. Wheeler and Mr. Stafford. They present Senator Basnight with the 'Six Hundred Award', a prestigious award given by NASCAR Motor Sports to a distinguished North Carolinian who has helped advance auto racing in the State.

The President recognizes the Committee to escort the guests from the Well of the Senate, who depart to a standing ovation.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, August 7, upon third reading.

H.B. 41 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

With unanimous consent, upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 15.

S.B. 195 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 upon third reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senator Kinnaird—1.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 633 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 936 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING, for concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (2-44).

Senator Albertson offers a motion that the Senate appoint conferees, which motion prevails.

REPORTS OF COMMITTEES

Standing committee reports are submitted out of the regular order of business, bills are read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Kerr for the **Finance Committee**:

S.B. 652, A BILL TO BE ENTITLED AN ACT RELATING TO OCCUPANCY TAXES IN AVERY COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6754 is adopted and engrossed.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7272, which changes the title to read **H.B. 685** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE BEECH MOUNTAIN TO INCREASE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO BEECH MOUNTAIN'S OCCUPANCY TAX, TO REPEAL THE AVERY COUNTY OCCUPANCY TAX, AND TO AUTHORIZE A TAXING DISTRICT IN AVERY COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 1014 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS.

Pursuant to the Senate having failed to concur in SB 1014, and Senator Albertson's motion that the Senate appoint conferees having prevailed, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Albertson, Chairman; and Senator Allran; Senator Hoyle; and Senator Odom as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Garwood, the Senate adjourns at 3:40 P.M. to meet tomorrow, Wednesday, August 8, at 2:00 P.M.

ONE HUNDRED THIRTEENTH DAY

Senate Chamber
Wednesday, August 8, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by William Franklin Graham IV, grandson of Dr. Billy Graham, of Wake Forest, North Carolina, as follows:

"Our Heavenly Father, we give all honor and praise to you for being our creator and our sustainer. All of heaven and earth bow to you for there is no other like you. We recognize our total dependence on Jesus and his grace and mercy. We depend upon you, O Lord, for we are dead apart from you.

"Lord, we also recognize that we have been blinded by the things of this world. We have been blinded by wealth, by power, by society, and by sin in our lives. Forgive us, O Lord, and open the eyes of our hearts and our minds so that we might serve you and thereby serve this great State. We pray and lift up our legislators. Grant them wisdom and the courage to love what is good and to hate what is evil. Lord, we confess that our efforts to help ourselves and our neighbors are futile only if we do not serve you first. Therefore, O Lord, we desire to seek your will and your kingdom first. Then we know that all these other things will be added unto us.

"Lord, we are ignorant, but you are true wisdom. We are dead, but you are life. We are scared, but you are our shepherd. We are restless, but you are peace. We are confused, but you are the way. We are poor, but you are rich. We are evil, but you are holy. Lord, you are everything that we lack, thus we are totally hopeless on our own. Therefore, O Lord, we confess that our greatest need is Jesus Christ, the name above all other names and the only name in which salvation can be found. Amen."

The Chair grants leaves of absence for today to Senator Gulley, Senator Hartsell, Senator Horton, Senator Martin of Pitt, Senator Metcalf, Senator Rand, Senator Reeves and Senator Shaw of Cumberland.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Tuesday, August 7, has been examined and is found to be correct. Upon his motion, the

Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION, upon third reading.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 14, upon third reading.

H.B. 115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute is withdrawn from today's Calendar and is placed on the Calendar for Monday, August 13.

WITHDRAWALS FROM COMMITTEES

S.J.R. 1103, A BILL TO BE ENTITLED HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE, referred to the **Rules and Operations of the Senate Committee** on August 2.

Pursuant to Rule 47 (a), Senator Basnight offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

S.B. 475, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 15.

Pursuant to Rule 47(a), Senator Basnight offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 195, AN ACT TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR LICENSURE AS REGISTERED NURSES OR LICENSED PRACTICAL NURSES UPON THE REQUEST OF THE NORTH CAROLINA BOARD OF NURSING, TO AUTHORIZE THE BOARD OF NURSING TO REQUIRE CRIMINAL HISTORY RECORD CHECKS

OF PERSONS APPLYING TO PRACTICE NURSING IN THE STATE OF NORTH CAROLINA, AND TO AMEND THE POWERS OF THE BOARD OF NURSING TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS UPON THE BOARD'S REQUEST.

S.B. 633, AN ACT TO ESTABLISH A BUILDING CODE PILOT PROGRAM FOR REHABILITATING EXISTING BUILDINGS.

S.B. 936, AN ACT TO AMEND THE LAWS REGARDING SEX OFFENDER REGISTRATION TO COMPLY WITH FEDERAL LAW IN ORDER TO MAINTAIN ELIGIBILITY FOR BYRNE GRANT FUNDING.

And the following bills duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 657, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL.

H.B. 583, AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

S.B. 144, AN ACT TO ENABLE NORTH CAROLINA TO ENTER THE STREAMLINED SALES AND USE TAX AGREEMENT. (Became law upon approval of the Governor, August 8, 2001–S.L. 2001-347.)

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 1301, A BILL TO BE ENTITLED AN ACT TO DELAY THE SUNSET OF THE EXEMPTION OF CLEANUPS OF PETROLEUM FROM LEAKING UNDERGROUND STORAGE TANKS FROM CERTAIN REQUIREMENTS RELATED TO LAND-USE RESTRICTIONS AND DEED RECORDATION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 7675, which changes the title to read **H.B. 1301** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY; AND TO MAKE CONFORMING CHANGES TO RELATED STATUTES, is adopted and engrossed.

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL A BERTIE COUNTY LOCAL ACT REGULATING POSSESSION OF A FIREARM ON A BOAT, with an unfavorable report as to Senate Committee Substitute, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2 8673, which changes the title to read **H.B. 402** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS, is adopted and engrossed.

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE DISTRICT COURT DISTRICT ELEVEN INTO A SET OF DISTRICTS FOR ELECTORAL PURPOSES ONLY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 4181, which changes the title to read **H.B. 844** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN, is adopted and engrossed.

Upon the appearance of Senator Metcalf in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CALENDAR (*continued*)

S.J.R. 52 (Committee Substitute), A JOINT RESOLUTION HONORING THE MEMORY OF GREAT NORTH CAROLINIANS AND NAMING BILLY GRAHAM AS A FAVORITE SON OF NORTH CAROLINA.

With unanimous consent, upon motion of Senator Plyler, the rules are suspended and the joint resolution is taken up out of its regular order and placed before the Senate for immediate consideration.

Upon motion of Senator Plyler, the Committee Substitute joint resolution is read in its entirety and, upon motion of Senator Dalton, the remarks of the Senators are spread upon the Journal, as follows:

Senator Plyler:

"Thank you Madame Chairman and members of the Senate, and members of the Billy Graham family and to each and every one here today. It is an honor and a privilege for me to stand here today asking for support of this resolution of one of the greatest Americans that we have ever known. He is known throughout the world and has been for many, many years. I would like to say that he would have been here but his health does not permit him to do so today, but he certainly sends his regrets that he can't be here and his regards to each and every one. His daughter, Anne Lotz, has joined us on the floor, sitting beside Will Graham VI, and we're proud to have you here and, Madame Chairman, there is a group of the family in the gallery to your left, and you will at the proper time recognize them. I would like to say that Senator Carpenter and Mrs. Carpenter along with Elaine Funderburk asked that I participate in this resolution honoring Billy Graham, and

it's certainly been a pleasure working with them. Senator Carpenter and Mrs. Carpenter have worked many, many hours and days in getting the things together that needed to be presented here today, and Elaine Funderburk has done an outstanding job in helping my administrative assistant, Pat Misner, with putting the resolution together. You know when this was first mentioned after Senator Carpenter and I talked, I immediately went to our President *Pro Tempore*, Senator Marc Basnight, as each one of us know very well, and I mentioned it to him and he said, 'By all means. We need to do everything possible that we can to recognize this great American.' We discussed on a little further about it being a day proclaimed for him and then we talked about maybe at a later date after the Billy Graham Day that will be in the year 2002, that there might be a statue at some proper place, hopefully around the Capitol, erected in his honor, and Marc said that he absolutely supported it very strongly and is going to work hard toward seeing that that is done. You know, Billy Graham was raised, as the resolution said, in Charlotte on a dairy farm. Now Senator Odom, I don't believe that was in Charlotte at the time, that was in Mecklenburg County. I don't believe the city limits were there. But they had about two hundred head of cattle and about three o'clock every morning he was awakened to get up and go get his bucket and his wet cloth to wipe off the bag of the cow where he milked the cow from, so at that time he learned exactly what work on the farm was. Over the years he was a fellow that really liked baseball and he wanted to play some professional baseball if there was any way possible but that never happened. But as a teenager he was lanky and he was an awkward young man and he was interested in girls and, of course, as I mentioned the baseball. In 1934 when he was a senior in high school, the turning point of his life came when he was converted and decided he would become an evangelistic preacher. Evangelist Billy Graham preached his first sermon in the Union County jail in Monroe in 1936. I recall reading about that in the '50's and then recently our local newspaper had an article in there about the first sermon that he had was in the Union County jail. He went from thereon to leading crusades across the State, the South, then across America, then across the world. Of course, I don't think there's another man in this world living today who has ever done the things for humanity the way that Billy Graham has done it. The word of God and bringing the spirit into people and converting their lives into being Christians that have made better citizens all over the world, whether it be in the United States or Africa or India or whatever part of the world. I was privileged to attend one of his crusades in Charlotte many, many years ago when it was held in the coliseum, which is the old coliseum on Independence Boulevard. At that time he was preaching just as strong a sermon as anyone could ever preach and he asked people to come down to the altar and give their lives to the Lord and they did by the droves and that has happened all over this world for many, many, many years, and I wish he could be here today. He would like to be, as I mentioned earlier, but it was not possible for him to be. He has a brother, Melvin Graham, and Melvin works in the real estate business in Union County and Mecklenburg County and has been very successful but he could not be here today also, and some other members of his family like his son-in-law, Layton Ford, and of course, Billy Graham III. We wish they could have been here but they are well-represented by the daughter of Billy, Anne, and the grandson that had the prayer and, of course, the other members, and I just feel real good to be able to stand up here and speak on this resolution, and again thank Senator Carpenter and Mrs. Carpenter and Elaine Funderburk and especially to Marc Basnight for his interest and everyone else's interest that's been here and of course, Lieutenant Governor, you were at the service that was held between twelve and one and that was a remarkable service and I think everyone enjoyed it. The auditorium was filled. Anne, everyone got a real message from you there and we appreciate your doing that for us. We appreciate your being here. I urge each and every one of you to support this resolution and vote in favor. Thank you."

Senator Carpenter:

"Fellow legislators, Graham family and friends, we've been given the great honor and privilege today of celebrating publicly the life and ministry of one of the greatest men the world has ever known, Billy Graham, who grew up as a farm boy as Aaron very aptly explained, the son of a dairy farmer near Charlotte, North Carolina. He has preached on every continent in the world to over two hundred million people and has been proclaimed one of the ten most admired men in all the world, not just once, but thirty-nine times by the Gallup polling organization. No other individual in world history has ever achieved that status either as a political leader or as a religious leader. His one goal in life has been not to achieve fame and glory but in his own words, 'to help people find a personal relationship with God, which I believe comes through knowing Christ.' Throughout more than fifty years he's carried the gospel of Christ to more people and live audiences than anyone else in history. Over two hundred and ten million people in one hundred eighty-five countries and territories have consistently given the message of hope and eternal salvation made possible through the Cross of Christ. Billy Graham has counseled U.S. presidents and world leaders while always maintaining a quiet and humble experience towards recognition and acclaim. His humanitarian efforts have contributed towards the reconciliation of races, the acceptance of individuals of other faiths and the improved lives of indigent and oppressed people of all nationalities and creeds. This is a man we all love and cherish as a fellow North Carolinian who has devoted his whole life to the saving of souls and improving the quality of life of both rich and poor, white or color, old or young, educated, healthy or unhealthy, or disabled, free or in prison, anyone in need. He has unselfishly and sacrificially given his time, energy, and health to serve God through serving people of this State, country, and world. Dr. Graham is essentially a man who has yielded his entire life to the service of God, to all mankind, and has won the hearts of each of us and the great citizens of our State. It is an honor to bestow upon him the title of North Carolina's Favorite Son, the most famous, most admired, the most appreciated, the most successful and the most loved individual to be a citizen of the great State of North Carolina. Ladies and gentlemen of the Senate, I'm going to digress for just a moment to read a quote because I think it's appropriate here today, and I quote: 'Daddy says all his life he's known how to die but no one ever taught him how to grow old. I can see their patience. I don't see bitterness, anger, or complaining, just gentleness, sweetness and peace.' This statement by Anne Graham Lotz, who as Aaron said is with us today, the second of five children of Billy Graham, epitomizes the true character of our favorite son whom we are honoring here today. What we are seeing today, August 8, 2001, in Raleigh, is the unfolding of the beginning of a worldwide revival, and Danny Lotz, up in the gallery, you might say we had the tip-off about an hour ago up in the third floor of this building in the auditorium. As we listened to the message which was delivered at Noon today by Anne, we're reminded of her definition of the world revival as explained by Kathy Lynn Grossman of *USA Today*. Now this is put together in a way that I may mess it up so bear with me please. On her lips, revival is a noun and a verb. Have it, bring it, do it. With those words from Anne, I say simply, Dr. Graham, as elected representatives of all North Carolina citizens, we want you to know how much you mean to us. You are our most favorite citizen for all time, and we thank you. Thank you, Madame President. I urge your support for this resolution."

Senator Allran:

"Thank you, Madame President and ladies and gentlemen of the Senate. Like so many people in here, I've grown up knowing who Billy Graham was and appreciating him, seeing him on television and listening to him give his sermons and his preaching, and I did have the great opportunity and privilege to attend one of his revival crusades in Ericsson Stadium in Charlotte, which was a great privilege for me, and also to be able to take my

wife and my children to that. I also remember that when I was in the seventh grade, thirteen years old, in our civics class we had an assignment from our civics teacher and that was to go out and take a poll to see who would be decided as the most admired North Carolinian and we came back in and voted on that. I remember that the people in my seventh-grade class voted for Billy Graham and that was thirty-six years ago, and here thirty-six years later we're still doing the same type of thing. That's really an incredible thing, I think. I think the main thing that amazes me about Billy Graham, besides the fact that he is tireless and steadfast, is that he or anybody else could have lived such an impeccable life. We're all human and certainly he is. He knows he sins and I've heard him talk about his own sins on Larry King and other shows of that nature, and I watched him one time in an interview with David Frost and Billy Graham said, 'Well, I certainly hope that I'll be going to heaven.' And David Frost said, 'Well, if you're not going no one is.' I remember that but I guess my point is, the thing that amazes me more about him than anything else is that in all the opportunities that he has had down through the years to mess up and expose himself as a simple human being, he has never done that. The other thing that amazes me is that he has such a wonderful family and the fact that Anne Graham Lotz is carrying on his tradition as is Franklin Graham and Will and the other Graham family members. They say that nothing says more about a man, and I guess also a woman, as what their family thinks of them. So for that and all those reasons, I would feel very honored to stand before you and to urge your support of this resolution. I thank the people who were involved in this, Senator Carpenter and Senator Plyler and Senator Basnight and everyone else for bringing this to us."

Senator Garwood:

"Thank you very much. Ladies and gentlemen of the Senate, members of the family of Billy Graham, I'm humbled by the opportunity to stand on the Senate floor and contribute my thoughts about Billy Graham, probably the most famous North Carolinian in history, and I want to pause for a moment to read two verses of scripture from the book of Matthew, Chapter 28, Verses 18 and 19, if I may, Madame President. 'And Jesus came and spake unto them saying, all powers given unto me in heaven and in earth, go ye therefore and teach all nations, baptizing them in the name of the Father and of the Son and of the Holy Ghost.' Ladies and gentlemen, Billy Graham is the epitome of that scripture, because he has been a disciple throughout the world, and I'd like to share with you if I may Webster's definition of disciple, 'one who believes in and helps disseminate the teachings of a master, an active adherent as of a movement of philosophy.' Now if Billy Graham is not the epitome of that also then I'm really mistaken. These scripture verses and this definition fit him precisely. He has been a disciple for Jesus Christ across the entire world, bringing hundreds of thousands of people to Christ, opening doors for those people of all nationalities, colors, races, many of whom had never made that decision until he stood before them and challenged them, that decision for Christ that they might have peace within. A man of tremendous humility, a man of God, a man for God. Ladies and gentlemen, I commend this resolution to you, and endorse it to the highest. Thank you very much."

Senator Carter:

"Members of the Senate, about three years ago just after I first got elected to the Senate, actually it was in the fall, and I was home after the long session, the colors in Western North Carolina are spectacular and I was driving around the district and I happened to be in Black Mountain at the Montreat exit, and I remember it's one of my favorite exit ramps, and it's a shame that we all have that, but I was driving up the exit ramp and the reason why it's my favorite is that it has this incredible view of this valley that opens up as you crest through the exit ramp and there's a mountain that shoots up

pretty sharply right off it. And so if you're looking in the fall you notice, because of the elevation, a variety of colors and when they're changing and it changes according to the elevation so a maple at the bottom versus a maple at the top will look very different. Something about that view and several others in my area make you think of things beyond yourself, think of things majestic and think certainly beyond who you are. For some reason at that point I thought that Billy Graham and his family used this exit ramp, had used this intersection to go home for Thanksgiving, for Christmases, or when the grandchildren are coming up to visit, they probably stopped at that Pizza Hut if they wanted pizza or maybe that Ingles, they'd go into the supermarket. And I remember thinking all this, and then it dawned on me -- I was Billy Graham's State Senator. It was probably about a nanosecond where I swelled up with pride as if that somehow made me a better Senator. Then I started thinking back to the time when I read his book, *Just As I Am*, and it started talking about all of the people he had brought to God, and the incredible things that he had done for our State, our Country, and our world. I can think back to one of the pictures that was most dramatic to me was in Seoul, Korea. He was speaking to a million people, converting them, bringing them to Christ. And there was the time that he was in Chattanooga in 1953. This was before the Civil Rights Movement really even got going. The local people had set up dividers, asking the African-American people to be in one section and the whites in the other, and he went down there, like Jews to the moneychangers, and started throwing the ropes aside. People left in protest and then the others who stayed obviously learned a valuable lesson that day. He was one of the leaders and certainly for this world, an incredible leader, not only religiously but culturally and morally. So at this point I wasn't feeling particularly proud so much as humbled at who it was that was one of my constituents. I remember going home and getting the book out that I'd read a year before and looking through it and being just struck by the humbleness by which he brought himself and brought his life forward. He's truly a remarkable person, mainly because he views himself as nothing more than a servant, a conduit, someone he routinely says throughout this book that takes the word and God simply brings people to him who need to hear that word, rarely taking credit for anything that he has done but simply passing on that credit to whom we should credit that, and that would be the Lord. I was very impressed with that and then started laughing at myself for thinking the thoughts that I was thinking earlier. But then I started thinking about that today when Senator Carpenter came by and told me this was happening and that we needed to speak in honor of the man from Montreat. I started thinking there are two ways we can approach this resolution. One, we can simply honor the fact that a man from North Carolina has achieved so much, that a man from North Carolina is one of our own and we can take great pride in that. Or, we can take a page out of his life and recognize that when he was a boy, a farm boy on that dairy farm in Charlotte or Mecklenburg County, that at that time it was North Carolina that played a part in his life, and the things around him, the environment around him that crafted him, that raised him, that helped rear him in the morals and the norms that we have today. One thing was very true to me about Billy Graham and still is. He exceeds his potential almost daily, that the will of God seems to be put in front of him and he just reaches it and then goes beyond. I doubt when he was on the farm he thought he'd be preaching to a million people in Seoul, Korea. If he did, he had quite a vision. But certainly it speaks to us, to the bills that we consider, to the budget that we're considering, to the children in Johnston County that we talked about on Monday night, to those whom we know that we need to pave or play some part, albeit small, in making sure that every child in North Carolina has the ability to reach his potential. So when we honor this resolution, I hope and trust that we'll do it in the spirit of Reverend Graham, with the idea that our job here is even doubled or multiplied simply by passing the resolution honoring a fine North Carolinian, and I encourage you to vote for this resolution."

Senator Forrester:

"Thank you, Madame President, members of the Senate. In 1997, I was honored to sponsor Senate Resolution 211 honoring Billy Graham as world evangelist. He came to the joint session of the House and Senate here in North Carolina and accepted the award. Many of you had the opportunity to meet him in Senator Basnight's office and it was a real pleasure. At that time, you will remember, he challenged us as legislators 'To be rather than to seem', our State motto, and challenged us to do what we think is morally correct and if we do, it will be politically correct. What is morally correct is politically correct. It is once again my privilege to support Senate Joint Resolution 52 honoring Billy Graham as our 'favorite son'. Life is a story and life is a lesson. Every man's life is a story. It is told by one's everyday actions and deeds. Billy Graham's exemplary life has been a story, the story of a humble walk with our divine creator. His character and integrity have remained impeccable in a world of moral ambiguity. He has not only lived the truth, he has honored it and promoted it to millions around the world. His word is truth, and never once has he offered it to serve himself or any other person. His wisdom is kindred to that of our founding fathers. Dr. Graham is truly a modern prophet. He is the light to the world reflecting the love and admonition of a mighty God. Because of Billy Graham, believers go to bed with the assurance of knowing that God is still in control. Because of him, we know the rest of the story. And just as every man's life is a story, every man's life is also a lesson, a lesson to others. Dr. Graham's life has been an uncompromising lesson in true Christian discipleship. He is, as we all hope to be, good and faithful servants. For the major part of the twentieth century, his influence has been a beacon of God's light even to the darkest corners of the earth, and that influence will continue to ripple in an ever-widening circle through his ministry, through his family's ministry, and through the millions of lives he has touched, including mine. His legacy will be enduring. When Jesus said, 'In my father's house are many mansions and I go to prepare a place for you,' he meant that Dr. Graham's house will be in the neighborhood of saints. I encourage you to support this resolution honoring our native son of North Carolina, Dr. Billy Graham, as our 'favorite son.' "

Senator Odom:

"Members of the Senate and to the Graham family members, being the dean of the Mecklenburg delegation here in the Senate and having the honor of knowing that I live and have lived for over fifty years in a community that he came from, the Charlotte-Mecklenburg community holds him up with great pride as one of their own. Also I live and have lived most of my life down in the Steele Creek community and Billy Graham's parents are buried at the big Steele Creek Presbyterian Church. I'm a member of little Steele Creek which is called Pleasant Hill Presbyterian Church A couple of weeks ago I taught a Sunday school lesson on the book of Micah, and Chapter six, Verse eight says, 'What does God require of thee, O man, and there are only three things: to seek justice, to do kindness, and to walk humbly with your God,' describes Billy Graham."

Senator Lee:

"Madame President and members of the Senate, I was born and raised in the State of Georgia. I can recall on many occasions when my mother made great effort to bear witness to the words of Dr. Graham. It's a pleasure to live in a state which has produced so many outstanding leaders of our nation and, of course, Dr. Graham is supreme to all of those in the legacy he has built and provided and the fine example he has set. I was rambling through some of my notes a few days ago and ran across these words that I penned at some point in my life, I don't know when, but it said along these lines that, 'Our calling is to build the best road we can build and where that road ends for us to lead the kind of inspiration that others are willing to continue the road to a higher ground'. Dr.

Graham has certainly built the road, and future generations can add to that road that ultimately leads to higher ground. I've only had the pleasure of meeting Dr. Graham once, and that was during the time I served as Mayor of Chapel Hill and he made a visit to Chapel Hill and that was a wonderful time in my life. But I'm also delighted to have known Anne and Danny during their younger days when we briefly attended Binkley Baptist Church. That was a time when both Danny and I had hair. To stand, then, to speak to this resolution and to be a part of this witness today, I think has to be one of the highlights in this State and this chamber and I urge your support of the resolution."

Senator Swindell:

"Thank you. Ladies and gentlemen of the Senate, I was honored last week when Senator Carpenter came to me and asked me if I would say several words on the floor about such a great North Carolinian and a great American. Today I was honored even more to be at the service and to hear Anne, you preached such a wonderful message upstairs, and today to hear Will. Obviously the family, it goes on and on. And to you, Danny, and to the daughters in the balcony, thank you for being with us. I think you're an example of folks who have heard it all, because the way you have been honored around this country and around the world, just to take the few moments you spend with us today. Senator Carter alluded to the book *Just As I Am*. If you have a chance you need to get a copy of that book because in that book you will walk with Billy Graham through his romance with Ruth and with how his friends told him that he was moving too quickly and he didn't slow down a bit, and how then he went on about his work and how he and three of his young friends looked like a vaudeville act when they got to the White House to speak with President Truman and prayed with the President and then came out on the White House lawn and the press, they got down on their knees and repeated the prayer. They all wore black and white shoes because Truman liked color in clothing. Then you walk on through that book and you will read about his bout with the mumps and then you will see the stories of he and leaders of our world, of his times and especially his advice in times to President or General Eisenhower and how at one time he became a little confused and called him Senator or Congressman and he said from then on it was General or Mr. President. If you look at the index in the book you will see that he has spent countless, countless, countless days and hours of his life packed into meeting with the leaders of the world, from Mrs. Gandhi to Counts to Kings to Prime Ministers, and then to business leaders and others. But the most important thing he did is what he did for us, the other people of the world. If you look at the two hundred and ten million or so that have been alluded to where he has seen when he did his crusades which go on and on. He reached many more millions by TV and radio during the crusades that he has done. He has preached on every continent in the world. He has been in the last fifty years plus of his life in every little segment of the world, both behind the Iron Curtain and in the new world. It talks about in his book his travels to Hungary, to Romania, about his time sitting with Grace Kelly at dinner one night. There are many fascinating stories in the book *Just As I Am.* Thank you for allowing me this opportunity and let me close and say again as everyone else has, support the resolution and honor this great North Carolinian and great American. On the back jacket of the book *Just As I Am,* Dr. Graham said he is often asked, 'What are you going to say to the Lord when you meet him face to face when you get to heaven?' And he said that he would say, 'Why me, Lord? Why have you given me such a great group of associates?', to paraphrase Dr. Graham, 'and why have you chosen me in the latter part of the twentieth century to carry your message?' And as he said, only the Lord has that answer, and he can't give you that answer. So I think for those that I represent in Edgecombe, Halifax, Nash and Wilson Counties of North Carolina, and for the rest of my friends and family, I thank you for being here today. I thank you for your time, fellow Senators, and I urge you to support the resolution."

Senator Ballantine:

"Ladies and gentlemen of the Senate, I appreciate us making the time to honor this great man, and I say making the time because as you know we all are busy and we all are consumed with legislation, but I made the time to go to the chapel service today and I know that they have it every week, but today I made a special attempt to do that. My administrative assistant, Luci Johnson, gave me an audio cassette tape of Anne Graham Lotz's National 'Just Give Me Jesus' tour, which I listened to intently, so I was looking forward to going to chapel today and I was not let down. It was dynamic and powerful and uplifting and certainly not politically correct but, Senator Basnight, Anne Graham Lotz serves as a moral alarm clock. She told us to wake up and repent and be humble and to walk with God. She challenged us to do that and I want to say to Mrs. Lotz that your father and you and your entire family have been the right people at the right place at the right time to give us such a heartwarming, spiritual message to go out and spread the good news of Jesus, and I accept that challenge and I hope we all do. Thank you.

Senator Albertson:

"Members of the Senate, just two or three observations come to mind today as we debate this resolution. First of all, I do think it's very fitting and proper that we take the time from our busy schedules to honor one among us who has done and continues to do so many wonderful things for mankind and preaching the love of God. There's a song that comes to my mind today. You've probably heard it. I think there's a verse I can remember that goes like this: 'Give me the roses while I live, trying to cheer me on. Useless the flowers that you give after the ... has gone.' We get so busy in our world today, I believe, I do. I'm guilty of it. We don't take time to show our love to people we live with in the ways that we should. And simply put this resolution, I think, is our way of saying to Dr. Billy Graham how much we love him, appreciate him, and admire him for who he is. Anne, Senator Ballantine just spoke about it, but you challenged us to be the right person at the right place at the right time. I'll try very hard not to forget your remarks because I thought they were so very appropriate, but as you spoke those words and as I listened to you I could not help but wonder if you were not the right person at the right place at the right time. The other observation I have is not only about Dr. Graham but about his family as well, and some of you have already spoken to that. Scripture teaches us that what we teach our children goes from generation to generation and this family, not only his own children but his grandchildren, are one of the best examples of that of anything I've ever seen. I recall one thing he said when he was asked during an interview one time, I think I'm correct. When someone asked him what he thought the greatest challenge of mankind was, something to that effect. He said he thought it was racial reconciliation, to bring people together under the love of Jesus Christ. I do believe that is our challenge today, simply to love one another as this man has shown us through his life's work in ways that we should. This is a wonderful resolution and I commend it to you."

Senator Basnight:

"Thank you, Madame President, members of the Senate, Anne, Will, Danny, family, Lieutenant Governor's husband, to all, a special day. Senator Carter, your words were very powerful and spoken with so much conviction. I think, and wonder back and reflect now without the thoughts that you had of my exit of going to that mountain and looking off its side and seeing the colors as they changed from elevation to elevation, and I think of what a forest is or a mountain and how quiet it finds itself, and when you're alone and not within the forest but you're within yourself does anyone hear what is on the forest floor? Or what flies over? Billy Graham is heard and felt and seen in the forest and the land and the sea and the air. He has affected all of us in a natural way. He's a person who not only can the children who are in our audience and the young adults who will be

another generation of leadership, he will find in them and they will find in him a leader who is rare in any generation, one that I cannot remember ever seeing or ever hearing. I remembered a time when my mom first introduced me to Billy Graham as many people were introduced in different ways. Senator Allran, mine would be a little different than yours in that I couldn't see him on TV at the time because we didn't have a TV but we had a radio and we heard his voice and mom spoke of that man and how great he was and what the message meant. We heard that every Sunday, obviously, the message as we prepared ourselves for Sunday School for a day of prayer and rest and reason and understanding. He brings so much to life for everyone, a giant of a human being. Anne, you and your family epitomize all that we all feel and think and believe should be right in life. What a wonderful dad, what a wonderful North Carolinian, the most famous of all of us, obviously so. But he's the most famous because he believes so deeply and he shared those beliefs and those convictions with the world. What a wonderful man. Thank you."

The Committee Substitute bill passes its second reading (42-0) and third reading with members standing and is ordered sent to the House of Representatives by special message.

The Lieutenant Governor presents to Anne Graham Lotz for Dr. Graham a Certificate honoring him as “North Carolina’s Favorite Son.”

The President extends the courtesies of the gallery to Dr. Danny Lotz, husband of Anne Graham Lotz; Morrow Reitmeier and husband Traynor; and Rachel-Ruth Wright and husband Steven, granddaughters of The Reverend Billy Graham.

S.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO OCCUPANCY TAXES IN AVERY COUNTY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow, Thursday, August 9, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 8, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted a report of the Conferees on SB 353, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

August 8, 2001

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR (*continued*)

H.B. 685 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE BEECH MOUNTAIN TO INCREASE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO BEECH MOUNTAIN'S OCCUPANCY TAX, TO REPEAL THE AVERY COUNTY OCCUPANCY TAX, AND TO AUTHORIZE A TAXING DISTRICT IN AVERY COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

Senator Foxx offers Amendment No. 1 which is adopted 42-1, and changes the title to read, **H.B. 685** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO CHANGE THE PURPOSES FOR WHICH BEECH MOUNTAIN CAN USE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO THE BEECH MOUNTAIN OCCUPANCY TAX, TO CREATE AN OCCUPANCY TAX DISTRICT IN BEECH MOUNTAIN, AND TO AUTHORIZE THE BEECH MOUNTAIN TAX DISTRICT TO LEVY AN OCCUPANCY TAX.

Amendment No. 1 is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, August 9, upon second reading.

H.B. 1073 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY, upon second reading.

Senator Dalton offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Robinson, Rucho, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—43.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, remains on the Calendar for tomorrow, Thursday, August 9, upon third reading.

S.B. 531 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD

ACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (43-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 353 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS, Conference Report, for adoption.

Upon motion of Senator Kerr, the Conference Report is adopted (41-2).

Pursuant to the message received from the House earlier today that the House has adopted the Conference Report, the President orders the bill enrolled and sent to the Governor. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, with a favorable report as to concurrence.

CALENDAR (*continued*)

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE, placed earlier on today's Calendar.

The joint resolution passes its second (42-0) and third readings and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

H.B. 435, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR MOREHEAD SCHOOL TO PROVIDE STAFF AND OTHER ASSISTANCE TO A NONPROFIT CORPORATION ESTABLISHED TO SUPPORT THE SCHOOL, referred to the **Education/Higher Education Committee** on April 5.

Pursuant to Rule 47(a), Senator Carter offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Children & Human Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Children & Human Resources Committee**.

Upon motion of Senator Basnight, seconded by Senator Berger and Senator Webster, the Senate adjourns at 3:47 P.M. to meet tomorrow, Thursday, August 9, at 10:00 A.M.

ONE HUNDRED FOURTEENTH DAY

Senate Chamber
Thursday, August 9, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, in the midst of what is yet to be done in the Senate, as an encouragement let us not forget all the good things that have already been accomplished here. Today is the tomorrow that many of us worried about yesterday. Help us to live not with anxiety but with he kind of optimism that former White House Chief of Staff, Hamilton Jordan, exhibited while battling cancer when he said, 'There's no such thing as a bad day.'

"Today, what we do not know, teach us. What we do not have but need, give us. What we are not in your kingdom, make us. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Gulley, Senator Martin of Pitt and Senator Rand.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Wednesday, August 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 353, AN ACT TO PROVIDE A PERMANENT MECHANISM FOR THE COLLECTION OF TAX DEBTS.

S.B. 531, AN ACT TO EXEMPT CERTAIN COMMUNITY COLLEGE ACTIVITIES FROM THE UMSTEAD ACT.

H.B. 942, AN ACT TO ESTABLISH THE LOCKSMITH LICENSING ACT.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 906, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, TO EXPAND THE DURHAM COUNTY ABC BOARD TO FIVE MEMBERS, AND ALLOW THE CITY OF DURHAM TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A TRANSFER FACILITY AND PARKING DECK.

REPORTS OF COMMITTEES

Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clodfelter for the **Judiciary I Committee**:

H.B. 1188 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6756 is adopted and engrossed.

By Senator Hagan for the **Judiciary II Committee**:

S.B. 475, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute joint resolution 3898, which changes the title to read **S.J.R. 475** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUNSFORD RICHARDSON PREYER AND EMILY HARRIS PREYER, TWO OF THE STATE'S MOST DISTINGUISHED CITIZENS, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 8, 2001

Madame President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for SB 1014, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LITTERING LAWS, and requests conferees,

The Speaker appoints:

Representative Hackney, Chair;
Representative Weiss,
Representative Bowie, and
Representative Miller

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

Respectfully,
S/Denise Weeks
Principal Clerk

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows *(See Appendix.)*:

August 9, 2001

Executive Order Number 11, Implementation of the State Disaster Assistance Programs for a Type I Disaster for Madison County

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO OCCUPANCY TAXES IN AVERY COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 685 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE BEECH MOUNTAIN TO INCREASE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO BEECH MOUNTAIN'S OCCUPANCY TAX, TO REPEAL THE AVERY COUNTY OCCUPANCY TAX, AND TO AUTHORIZE A TAXING DISTRICT IN AVERY COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading, as amended by a material amendment on August 8.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—44.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for Monday, August 13, upon third reading.

H.B. 402 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS.

The President orders the Senate Committee Substitute bill No. 2 temporarily displaced.

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, for concurrence in House Committee Substitute bill No. 2,

upon second reading.

The Senate concurs in the House Committee Substitute Bill No. 2 on its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The House Committee Substitute No. 2 bill remains on the Calendar for Monday, August 13, for concurrence, upon third reading.

H.B. 1073 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN AUTOMATION ENHANCEMENT AND PRESERVATION FUND AND EXPAND THE UNIFORM FEES FOR SERVICES CHARGED BY REGISTERS OF DEEDS, TO ENHANCE THE STANDARDS FOR INSTRUMENTS TO BE REGISTERED IN THE OFFICE OF THE REGISTER OF DEEDS, AND TO ALLOW THE SECRETARY OF STATE TO REINSTATE BUSINESS ENTITIES ADMINISTRATIVELY DISSOLVED BY THE SECRETARY, upon third reading, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—46.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 844 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN.

The Senate Committee Substitute passes its second reading (46-0).

Senator Ballance objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, August 13.

H.B. 1301 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES IN WHICH LAND-USE RESTRICTIONS AND RECORDATION OF THOSE RESTRICTIONS IN THE OFFICE OF THE REGISTER OF DEEDS ARE REQUIRED IN CONNECTION WITH THE CLEANUP OF A RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK IN ORDER TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH, TO ENSURE ENFORCEABILITY OF RESTRICTIONS, AND TO PROVIDE NOTICE TO SUBSEQUENT OWNERS OF THE PROPERTY; AND TO MAKE CONFORMING CHANGES TO RELATED STATUTES.

The Senate Committee Substitute passes its second (46-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 402 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY LOCAL ACTS INCONSISTENT WITH THESE LAWS, temporarily displaced earlier.

Senator Ballance offers Amendment No. 1 which is adopted (42-4).

The Senate Committee Substitute bill No. 2, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in Senate Committee Substitute bill No. 2.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special message is received from the House of Representatives which is read the first time and disposed of, as follows:

House of Representatives
August 9, 2001

Madame President:

It is ordered that a message be sent your Honorable Body with the information that Representative Thompson has been added as a conferee to House Committee Substitute for SB 92, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

Respectfully,
S/Denise Weeks
Principal Clerk

REPORTS OF COMMITTEES

A standing committee report is submitted out of the regular order of business, a bill is read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute 6757 is adopted and engrossed.

APPOINTMENT OF ADDITIONAL CONFEREE

S.B. 92 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE VARIOUS MUNICIPALITIES AND COUNTIES TO LEVY ROOM OCCUPANCY TAXES.

Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Garwood as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 355 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF INSURANCE IS NOT LIABLE FOR COSTS INCURRED IN SATISFYING THE FISCAL NOTE REQUIREMENT FOR CHANGES IN THE STATE BUILDING CODE; TO UPDATE REFERENCES TO ORGANIZATIONS WHOSE STANDARDS MAY BE USED IN ADOPTING CODE PROVISIONS; TO GIVE THE BUILDING CODE COUNCIL EXPLICIT AUTHORITY TO USE STANDARDS OF INTERNATIONAL AGENCIES; TO MAKE TECHNICAL CORRECTIONS IN THE BUILDING CODE COUNCIL STATUTES; TO PROHIBIT MEMBERS OF THE MANUFACTURED HOUSING AND HOME INSPECTOR LICENSING BOARDS FROM SPONSORING OR PROVIDING CONTINUING EDUCATION COURSES WHILE SERVING ON THE BOARD; TO AUTHORIZE THE MANUFACTURED HOUSING BOARD TO ADOPT TEMPORARY RULES REGARDING CONTINUING EDUCATION REQUIREMENTS; TO CLARIFY THAT SALES MANAGERS OF A MANUFACTURED HOUSING RETAIL DEALER SHALL BE LICENSED AS SALESPERSONS; TO ENSURE THAT BUILDING INSPECTORS APPLY THE MANUFACTURED HOME INSTALLATION STANDARDS; TO MAKE A TECHNICAL CORRECTION IN THE FIREMEN'S RELIEF FUND LAW; AND TO AMEND THE BEACH PLAN LAW REGARDING LOSS ADJUSTMENT EXPENSE REIMBURSEMENTS.

Pursuant to the message from the House of Representatives received August 6 that the House fails to concur in the Senate Committee Substitute for HB 355 and requests conferees, Senator Basnight, President *Pro Tempore* announces the appointment of Senator Swindell, Chairman; and Senator Metcalf; Senator Rand; and Senator Shaw of Guilford as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns subject to ratification of bills, to meet Monday, August 13, at 7:00 P.M.

ENROLLED BILLS

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.J.R. 1103, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF STATE SENATOR JOHN W. THOMAS UPON THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF THOMASVILLE (Res. 27).

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:51 A.M.

ONE HUNDRED FIFTEENTH DAY

Senate Chamber
Monday, August 13, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, some of us have heard the prayer of a child that says, 'God, if You give me a genie lamp like Aladdin, I will give you anything you want, except my money or my chess set.

"Thank you for what we as adults learn about ourselves by listening to children. Tonight in the Senate we pray especially for young people not because no one else prays for them but because we can never pray enough in their behalf.

"As school days begin all over our state, also give a special measure of blessing to the teachers who mentor these students. After all, tomorrow a future North Carolina Governor, Lieutenant Governor, Senate President *Pro Tempore* and State Senators will be sitting at desks at our schools watching, listening and learning. Bless them. In your name we pray, Amen."

The Chair grants leaves of absence for tonight to Senator Berger, Senator Martin of Pitt, Senator Reeves, Senator Warren and Senator Webster.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, August 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 439, AN ACT TO AMEND THE RULES OF CIVIL PROCEDURE AS RECOMMENDED BY THE CIVIL LITIGATION STUDY COMMISSION.

And the following bill duly ratified, properly enrolled and presented to the Office of the Secretary of State:

H.B. 834, AN ACT TO AUTHORIZE THE CITIES OF WASHINGTON AND LEXINGTON TO INCREASE THEIR ROOM OCCUPANCY TAX FOR TOURISM PROMOTION.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 657, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL. (Became law upon ratification, August 8, 2001–S.L. 2001-348.)

H.B. 583, AN ACT TO MODIFY THE NASH COUNTY OCCUPANCY TAX. (Became law upon ratification, August 8, 2001–S.L. 2001-349.)

H.B. 906, AN ACT TO MAKE A TECHNICAL CORRECTION TO THE SECTION OF THE CHARTER OF THE CITY OF DURHAM THAT PROVIDES EXEMPTIONS FROM THE CITY'S FAIR HOUSING ORDINANCE, TO EXPAND THE DURHAM COUNTY ABC BOARD TO FIVE MEMBERS, AND ALLOW THE CITY OF DURHAM TO USE THE SINGLE-PRIME CONTRACT SYSTEM FOR THE DESIGN AND CONSTRUCTION OF A TRANSFER FACILITY AND PARKING DECK. (Became law upon ratification, August 9, 2001–S.L. 2001-350.)

S.B. 461, AN ACT TO MAKE THE NORTH CAROLINA INSURANCE INFORMATION AND PRIVACY PROTECTION ACT COMPLY WITH THE CONSUMER INFORMATION PRIVACY REQUIREMENTS IN THE FEDERAL GRAMM-LEACH-BLILEY ACT, PUBLIC LAW 106-102. (Became law upon approval of the Governor, August 9, 2001–S.L. 2001-351.)

S.B. 278, AN ACT TO PROVIDE THAT PERSONS CONVICTED OF SECOND OR SUBSEQUENT OFFENSES INVOLVING THE THEFT OF MOTOR FUEL SHALL HAVE THEIR DRIVERS LICENSES REVOKED. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-352.)

S.B. 11, AN ACT TO PROVIDE FOR FILLING VACANCIES IN NOMINATION FOR THE NATIONAL TICKET AND FOR PRESIDENTIAL ELECTOR; TO EXPAND THE NOTICE REQUIREMENT FOR PRECINCT CHANGES; TO CLARIFY THE RIGHT OF MILITARY/OVERSEAS VOTERS TO REGISTER AND VOTE ON ELECTION DAY; TO REQUIRE COUNTY BOARDS OF ELECTIONS TO FOLLOW THE DIRECTION OF THE STATE BOARD OF ELECTIONS IN PRINTING ABSENTEE BALLOTS DURING AND AFTER THE PENDENCY OF APPEALS; TO REPEAL A COURT-DISAPPROVED PROVISION OF THE AD-LABELING LAW; TO TOLL THE VERIFICATION OF MUNICIPAL INCORPORATION PETITIONS DURING A PERIOD AROUND A PRIMARY OR ELECTION AND TO MAKE OTHER CHANGES TO THE INCORPORATION PETITION STATUTE; TO MAKE TECHNICAL CHANGES TO THE MANDATORY RECOUNT STATUTES; TO REQUIRE PRIVACY FOR THE VOTER TO MARK THE BALLOT; TO STOP THE DAILY CAMPAIGN FINANCE PENALTY AFTER THE POSTMARK DATE AND FOR ANY DAY WHEN THE BOARD OF ELECTIONS IS CLOSED; AND TO CHANGE THE MAILING REQUIREMENT FOR NOTICE OF LATE FILING. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-353.)

S.B. 113, AN ACT TO EXTEND THE CABARRUS COUNTY WORK OVER WELFARE PROGRAM. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-354.)

H.B. 570, AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE ADMINISTRATIVE RULE ENTITLED "TAR-PAMLICO RIVER BASIN-NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: AGRICULTURAL NUTRIENT CONTROL STRATEGY" WITH CERTAIN MODIFICATIONS, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO INCORPORATE THESE MODIFICATIONS INTO A REVISED ADMINISTRATIVE RULE, AND TO DIRECT THE SOIL AND WATER CONSERVATION COMMISSION TO APPROVE BEST MANAGEMENT PRACTICES AND A NUTRIENT LOADING POINT SYSTEM FOR

PASTURE-BASED PRODUCTION AND MANAGEMENT OF LIVESTOCK. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-355.)

H.B. 1052, AN ACT DEFINING AND REGULATING LOW-SPEED VEHICLES AND OTHERS. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-356.)

S.B. 783, AN ACT TO MAKE CERTAIN CHANGES TO THE LAW REGARDING THE DISPOSAL OF DEMOLITION DEBRIS IN AN ON-SITE LANDFILL HAVING A DISPOSAL AREA OF ONE ACRE OR LESS AND TO EXTEND THE SUNSET OF THIS LAW. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-357.)

H.B. 385, AN ACT TO CONSOLIDATE IN ONE PLACE IN THE GENERAL STATUTES VARIOUS BUSINESS ASSOCIATION PROVISIONS TO AVOID UNNECESSARY REPETITION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-358.)

S.B. 895, AN ACT TO ESTABLISH THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-359.)

S.B. 1081, AN ACT TO MAKE IT A CRIMINAL OFFENSE FOR A PRISONER TO THROW BODILY FLUIDS OR EXCREMENT AT A STATE OR LOCAL GOVERNMENT EMPLOYEE WHILE IN THE PERFORMANCE OF THE EMPLOYEE'S DUTIES. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-360.)

H.B. 612, AN ACT TO SPECIFY THE EFFECTIVE DATE OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF CERTAIN WATERS IN THE NEUSE RIVER BASIN BELOW FALLS LAKE DAM THAT WOULD HAVE THE EFFECT OF ALLOWING THE TOWN OF WAKE FOREST TO WITHDRAW ADDITIONAL WATER FROM THE NEUSE RIVER AND TO PROVIDE THAT THE 2004 REGULAR SESSION OF THE 2003 GENERAL ASSEMBLY MAY DISAPPROVE THE RULE. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-361.)

H.B. 1217, AN ACT TO SPEED THE NOTIFICATION TO LIENHOLDERS WHEN A MOTOR VEHICLE IS SEIZED UNDER DWI FORFEITURE PROVISIONS AND TO SPEED THE RELEASE OF A SEIZED VEHICLE TO INNOCENT OWNERS. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-362.)

H.B. 195, AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE COURSES OF INSTRUCTION ON NORTH CAROLINA HISTORY AND GEOGRAPHY TO STUDENTS IN ELEMENTARY SCHOOL AND TO STUDENTS IN MIDDLE SCHOOL, AND TO ENACT THE STUDENT CITIZEN ACT OF 2001. (Became law upon approval of the Governor, August 10, 2001–S.L. 2001-363.)

H.B. 1084, AN ACT TO CLARIFY THAT AN ACTION FOR EQUITABLE DISTRIBUTION DOES NOT ABATE UPON THE DEATH OF A PARTY. (Became

law upon approval of the Governor, August 10, 2001–S.L. 2001-364.)

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:

H.B. 1188 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS.

With unanimous consent, upon motion of Senator Clodfelter, the Senate Committee Substitute is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, August 14.

H.B. 115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST.

With unanimous consent, upon motion of Senator Hartsell, the Senate Committee Substitute is withdrawn from tonight's Calendar and is placed on the Calendar for tomorrow, Tuesday, August 14.

S.J.R. 475 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUNSFORD RICHARDSON PREYER AND EMILY HARRIS PREYER, TWO OF THE STATE'S MOST DISTINGUISHED CITIZENS.

With unanimous consent, upon motion of Senator Hagan, the Committee Substitute bill is taken up out of its regular order of business.

Upon motion of Senator Hagan, the Committee Substitute bill is read in its entirety and, upon motion of Senator Dannelly, the remarks of the Senators are spread upon the Journal, as follows:

Senator Hagan:

"Thank you, Madame President. As you can see from listening to all the things that were stated in the resolution Emily and Rich Preyer have really done an incredible amount not only in Greensboro, Guilford County, our State but also our Nation, and we are here to pay tribute tonight to them. When I think of Rich I think of a quiet, reserved, judicious, intellectual and fun-loving man. He loved to play the saxophone; he was actually offered a job by Count Basie. He loved to march in the Kirkwood Fourth of July parade. If you have ever lived in Kirkwood you are always invited back to this neighborhood to be in the parade, and anybody who has lived there or anybody in town comes to watch all the children decorate their wagons, and Rich was always playing the saxophone walking in that parade, and he also loved to be with his family. Emily, I think of as sparkling, ebullient, warm, friendly, always riding around town in a battered old station wagon with the windows down honking and calling everyone by name. She never forgot a face, she never forgot a name. She never forgot the name of your spouse and she never forgot the names of all of your children. I don't know how anybody could remember the names that Emily Preyer could. The Hagan family has been fortunate to know them for many, many years and to be close friends. My husband actually grew up with the oldest Preyer son, and I just love hearing all the stories. They used to spend the night at their Aunt Jane's house and she didn't have any children and all the children would go to the Preyers' or Aunt Jane's to spend the night. When I first ran for public office Governor Jim Hunt came to an event for me in Greensboro and I had asked Emily Preyer to introduce Governor Hunt. In her introduction, what she did, she named his children, what they did and his grandchildren. That was her introduction of Jim Hunt and that was all that needed to be

said; the crowd loved it. After listening to all the details I just wanted to let you know the spirit of their commitment to public service, to family, and to the community inspired so many people that they knew. Just quickly, Rich was a Greensboro native. He went to Princeton, Harvard Law School. When I say he was active in his church, he taught Sunday School for forty years to the Young Men's Bible Class, and the Young Men's Bible Class goes from probably twenty-two to about ninety-five and Rich is just well known for being one of the best teachers in that class. He also served with distinction in World War II, he was in the Navy, he received the Bronze Star for action in Okinawa. He was a local judge in Greensboro during the '50's. He was known for a decision of upholding the desegregation of the Greensboro Schools. He also became a federal judge being appointed by President Kennedy. As you know, he was an unsuccessful candidate for governor in '64 but in '68 was elected to Congress where he served for six terms. While he was there some of the two committees that he was most proud to serve as Chairman was the Select Committee on Ethics which drew up the first ever Congressional Code of Ethics and he also chaired the Committee on the Assassinations of President Kennedy and Reverend Martin Luther King. Several months before Rich died he came over to our house for a dinner party and there were two other couples there and Rich spent about four hours telling us many, many stories that he experienced in Congress. He told us about visiting Castro with part of this assassination of Kennedy. He talked about the fact that he felt it was Mafia related, and that he believed that Oswald was not the lone gunman, and just to sit there and listen to somebody who's been on the front end of that was absolutely fascinating for us and the other couples. He had such incredible stories to talk about the Martin Luther King assassination. For anybody that knew Rich Preyer you knew what a courtly, stately, wonderful man he was. Being with Emily was like walking on the sunny side of a street. She was always so funny, ebullient, happy, just fun to be with. At the same time she, I didn't know this until recently that she served in the Red Cross during World War II in Australia and the Pacific that she nearly died -- she gave up her seat on a flight that was returning to the United States that crashed. But Emily was destined for great things. While she was in Washington she was President of the Congressional Wives Club, the Wives Prayer group, and she also played tennis with Catherine Graham and just all the people that would just love to be with Emily. Emily also at one time won the Women's Single and Doubles Tennis Championship in Greensboro. Emily and Rich played tennis all the time. They were also gracious hosts. They opened their home up on numerous occasions for people coming to town for Democratic fundraisers, and when you went to their house you knew what the menu would be. It would be ham biscuits, pimento cheese sandwiches, cucumber sandwiches, lemon bars, and brownies. The thing I loved about going into their house was this huge banner. For about five years it was hanging in the living room and it said 'Ding Dong Jane Beat Gouligong'. Their daughter, Jane Preyer, played in Wimbledon and beat Gouligong and that was the banner welcoming Jane home from Wimbledon and Emily kept it up, I thought for five to seven years, I thought it must have finally disintegrated but when I was talking to Jane tonight it is actually still hanging in the sun room. The other thing that I remembered about Emily's house was there was a framed newspaper article and it talked about young Rich Preyer back in the fall of '71. He was on one of the first planes or the first hijacked plane by terrorists. He was in Germany and they hijacked the plane, they took him to Egypt, and I am not sure exactly where they actually set a bomb on the plane. It was supposed to go off two minutes before the plane landed and they ended up landing the plane. The shoots came open, they ran out, and the plane actually blew up as they were running to safety, and everybody on the plane lived. But Emily has this little article about Rich framed in one of the dens in the house, and you just got such a feel of these warm, fabulous people when you were welcomed into their home. I just want to tell you one more story and that is their daughter, Jane, who is now the mother of five children, when she was pregnant with her fourth child she was feeling

overwhelmed and called her mother one afternoon hoping for words of encouragement and she said, 'Mom, how did you raise five children?' hoping once again to get these words of encouragement, and Emily said, 'It was a nightmare!' They were just fabulous people and I know that we are here tonight to remember them and their memories and I thank you for having us to hear this resolution. Thank you."

Senator Martin of Guilford:

"Madame President and members of the Senate, and friends gathered here, you know the words of Senator Hagan are absolutely correct, and I had the pleasure of course of knowing Rich and Emily Preyer not as well as Kay but well enough to know that they were indeed absolutely wonderful people. As a matter of fact, last week when we were in the process of honoring the contribution of the Reverend Dr. Billy Graham and there were a lot of comments being made by the members of the Senate my mind could not help but to float back, I guess, to Rich Preyer because I think the two men, although they had different paths, I think they all led along the same route, one that helps us realize the importance of caring about and caring for people. Both had that spirit caring for human kind. That was the trademark of Rich Preyer and Emily Preyer. I think they both have led truly by example, and when I said led, again I refer to both because although Rich Preyer is well known in the political and judicial arena, and the civic arena, but so was Emily Preyer, which was mentioned to you by Senator Hagan. She was very instrumental as far as the involvement with Red Cross but also while in Washington as part of developing the emergency management plans and so forth, the connection there. They were both really truly wonderful people. My first recollection of Rich Preyer, I guess, came during the height of the Civil Rights Movement in the early sixties in Greensboro. During that time his demeanor as a judge, his demeanor as a citizen of the city did a lot in terms of calming the atmosphere there and making sure that things did go smoothly. I was recently looking at some information that I had and I saw an article that was printed in the *Arkansas Gazette* back in 1957 during that time. That is the year that the school system in Greensboro first began integration the first day. The article, although in Arkansas, was talking about what was happening in North Carolina and talking about Rich Preyer and also it mentioned the fact that things appeared that they would go smoothly on the opening day which was the next day, September 4 because of his actions and because of his denial of an injunction that folks were seeking to prevent the integration of the schools there. Also, I clearly recall from a political standpoint my first recollections, I guess, were, I grew up in Eden in Rockingham County just next to Reidsville which is Emily's home town, and I remember that my father was a strong supporter and campaigner for a few people -- Earl Vaughn who some of you knew, who served here and also as a Court of Appeals Judge, Clarence Stone of the Senate, but none more vigorously than Rich Preyer and, of course, during that time Rockingham county and Guilford county, Senator Miller, were all part of the same Congressional District. All of those events sort of shape my image of Rich Preyer. One thing that all of us are also aware of and I know, of course, that Senator Horton, there was a mention made that he was a major conservative, also he was a strong environmentalist and that rubbed off on Jane, of course, who is a director and still is -- I confirmed that with her tonight -- of the Environmental Defense Fund of North Carolina and I would just say to you that in serving on those two House Select Committees on the Assassination of John Fitzgerald Kennedy and Martin Luther King he also presided over some of the sessions, some of the meetings, I know during the King assassination. He is a wonderful person, Emily's a wonderful person. Both were public servants and civil servants and both are wonderful human beings and again set a tremendous model for us, and I will always look to them as two of the people that I hold foremost when I think of what a public servant should be, what I think a human being should be. I would ask all of you to vote, of course, in support of this resolution. Thank You."

Senator Horton:

"Madame President, I certainly subscribe to everything that Senator Hagan and my good friend Bill Martin have said. I guess I'm probably the only man in the chamber who actually practiced before Richardson Preyer when he was a Superior Court Judge, always called him Judge Preyer. I'll never forget, I was just a young lawyer then but we all knew the Superior Court as a place of rough and tumble and sort of catch as catch can, a lot of fun but a lot of turmoil too. When he was presiding over the court he showed such courtesy and such absolute finesse that at the end of the term all the jurors would get out of the box and they would not leave until they had shaken his hand. I have never seen that in any court before or since. Richardson Preyer was a gentlemen of the first order and we will miss him and Emily."

Senator Lee:

"Madame President and members of the Senate, I arrived in North Carolina in 1964 from Georgia and there was a campaign going on and I knew nothing about the people in North Carolina or the politics of North Carolina and, of course, Richardson Preyer was involved in that campaign and I made the mistake in Chapel Hill of asking who is Richardson Preyer? There was a lady by the name of Ann Queen who sat me down and made sure that I knew and understood who this person Richardson Preyer was. I have never forgotten that. It was years later before I met Mr. Preyer and I am delighted to say that over the years since not only have I come to admire him but also, as I affectionately referred to her, Miss Emily. Lillian and I thought highly of the Preyers and we often spoke between us saying if people can remember us and if we can portray the image that those two people portrayed in this State we would feel very fortunate. Once in a while, like many of you I'm sure, I ponder life after death and wonder how people might remember that I was here on this earth and what I've contributed. Richardson Preyer, I think, has left a legacy that will result in his living for a long time. There is life after death in the form of what we contribute before death, the things that we do, the people's lives we touch, the things we stand for, the legacies we live and this man, in my opinion, is a giant among people in North Carolina. In 1972 when I decided to run for Congress one of the first people's advice I sought was L. Richardson Preyer. He couldn't get involved with the campaign obviously but he was most encouraging and gave me some tips on how to run a campaign and how, if elected, to serve. As a Congressman, he was a wonderful model, a fine example. But Miss Emily, I think, represents the importance of having a person stand beside you to give you support and to be there as a pillar of strength as she stood with L. Richardson Preyer. I am delighted that we had a chance to serve on the Board of Visitors of the School of Social Work I received my bulletin just this week not aware that this resolution would be presented and there he stood, Rich and Rich Jr. His last days he contributed greatly to the School of Social Work and I'm sure without a doubt as social workers are graduated in that school they will do so in the spirit and with an understanding that he made a tremendous contribution. I am delighted I had the privilege of knowing him. I'm a better person because of that and if, in the final analysis, I could measure up to his knee cap I would feel that my life has not been lived in vain and without a doubt the legacy would have been built partly by his contributions to me as an individual. I am delighted to stand in support of this resolution and encourage that we adopt it."

Senator Foxx:

"Again, the comments that have been made have all been extremely important and I agree with them all. I want to say that I had great pleasure in knowing both the Preyers. Judge Preyer I worked with a little bit more than Emily. But, he was undoubtedly the most gracious person I think I have ever met in my life. When I was at Mayland Community College we were building a child care center there using private funds and we

were really searching everywhere we could to raise money, and I knew Judge Preyer from having served on the Board of the Center for Public Policy Research and I knew how he'd helped and I knew his work with the Babcock Foundation, and I called him one day and asked him if I could have lunch with him one day in Greensboro and he said, 'Absolutely.' We arranged a time and we met at a little restaurant near the campus and we talked and he was very gracious in giving me suggestions about where we might search out some funds and was able to make a small contribution to the cause that we had there. But I felt like a very little person talking with him in the sense that he had such stature, but he never made anybody feel that way. He always made you feel like you were one of the most important people in the world and that your cause was very important. And I was humbled, as Senator Martin has said, he certainly led by example and I think that we all could learn from having been in the presence of the Preyers on how to treat other people and how to lead out lives, and they certainly were wonderful role models for us all, and I'm very grateful for having had the opportunity to know them, and I thank their family for carrying on their legacy in their names and in their own names."

Senator Rand:

"Thank you very much, Madame President, Ladies and Gentlemen of the Senate. Rich Preyer was a man of incredible grace. He was totally unassuming but to be in his presence was to feel strength of his character and his personality. I think you could never be anywhere around him and not understand that he was a person of substance that really defies that description. Of course Mrs. Preyer, anytime you were in the room with her the room was brighter. There was a different feeling when she was around. I don't think that there were any good works, really, that were going on in North Carolina in the last fifty years that they weren't very much a part of. They exemplify the things that are important about North Carolina and really make us unique and they added to what our State is about in an incredible way."

Senator Garrou:

"In 1967 or 1968, I can't remember which year, I had the opportunity to attend with my husband a Princeton Alumni Association meeting in Greensboro. There I had the chance to meet Richardson Preyer, and I was very impressed. I'd heard so many things about all the great things he'd done in our State and continued to watch his efforts as he served as a judge and, in addition, the whole issue of the integration of the schools in Greensboro. Little did I know at that time that my husband would later be serving as the lawyer for the Winston-Salem-Forsyth County Schools as they began the plan to integrate the schools in Winston-Salem and Forsyth. And he had been given a real role model as he saw how Judge Preyer before his judging days carried on this activity. It was a stressful time for those of us who in our family, one of the first phrases my child learned to say as a two-year-old was School Board, because Daddy was gone to so many School Board meetings during that time. For all of us, we've been so blessed to have had even just a brief time to know the Preyers and we thank you all for sharing your parents with us and I hope you support this resolution. Thank you."

Senator Miller:

"Thank you, Madame President. I'm reluctant to speak on this resolution. We have so many memorializing resolutions where the person being honored maybe served one term in the House of Representatives in the late 1960's and we're all down here embarrassingly trying to remember something about the person to say for the benefit of the poor man's family who is sitting in the gallery. Obviously it is very different with the Preyers, a couple of such prominence who played such an important part in the history of this State, and were such important friends to so many people. It seems that the only people who

speak are those who really did know the Preyers very, very well. I did not know Judge and Emily Preyer as well as I would have liked. I did know them some. I was proud to have known them at all. I knew their children better. I know Jane, who many of you do know from her work in your Environmental Defense Fund. I know Emily who clerked for Judge Dixon Phillips a year or two after I did, but if I had thought about it I think that Judge and Emily Preyer would prefer that I know them best, that anyone of my generation know them best, by knowing their children. A couple years, four or five years after I completed my clerkship and a couple of years after Emily Preyer had completed her clerkship, the Preyers hosted the clerk reunion for Judge Phillips' clerks in their home, and I was struck, as Kay Hagan was by how filled, perhaps you could even say cluttered, their home was with the mementos of their children's accomplishments. There was, of course, the banner that welcome Jane back from Wimbledon: 'Ding Dong, Ding Dong, Jane beat Gouligong.' But as I recall, there were a lot of mementos of much less impressive accomplishments. In fact the kind of modest accomplishments that fourth-graders usually achieve were still on prominent display. I left having a feeling that the closets and the attics were probably filled with photographs of Judge Preyer and Emily Preyer with Presidents and Prime Ministers and Kings, but out on prominent display were mementos of their children's accomplishments. I do know the kind of folks their children have grown up to be, or have been so far. We are all works in progress, and I think that speaks volumes about the Preyers. I did not know the Preyers, Judge and Emily Preyer, as well as I would have liked, but I'm struck by the fact that people who are a generation or two older than I am who knew them very well, who worked with them shoulder to shoulder in so many important undertakings that this State has faced -- Bill Martin mentioned some of them -- the civil rights movement, the politics, the great political battles of this State, that those people who knew the Preyers as contemporaries, who worked with them directly, felt the same admiration and respect for them that I felt at a greater distance. When I am fed up with this job, which is frequent, in fact daily in the last little bit and it seems to me that politics have simply become avoiding hard issues, the real decisions that we face and an exercise in taking cheap political shots, I remember that public life, that politics, can be an honorable undertaking, and I remember the example of the Preyers.

Senator Kinnaird:

"Thank you, Madame President. I am pleased to add my voice in recognizing the great contribution of Richardson and Emily Preyer to our State and our citizens, because they were such an inspiration to me as leaders in social justice and environmental protection. It's hard to find the right title for Rich Preyer. He was a leader in so many areas. He was a highly regarded lawyer and innovative businessman. As a civic leader his voice was often the voice of reason in difficult times. As a judge he was objective and fair in administering the law. As a Congressman he fought first for his constituents, no matter how high or how low in the world's regard, and as a citizen he and his wife, Emily, were passionate in their advocacy for social justice, education and the arts. Reflecting on Congressman and Mrs. Preyer's interest in helping others, the Bicentennial Professorship to strengthen families was established by his family. The Preyers are especially remembered for their contributions for the environment. Our coast is strengthened today because of the pioneering work of Congressman Preyer's leadership of the Coastal Futures Committee. The Emily and Richardson Preyer Coastal Reserve was named for their extensive environmental work. At the ceremony dedicating the reserve, Bill Holman commended the Preyer's commitment to preserving our natural heritage by talking about their renaissance activities extending into so many areas of our State's concerns. Their devotion to the Nature Conservancy was instrumental in preserving land in Northeastern North Carolina, and Emily Preyer's service on the North Carolina Zoological Board, an area I represent, helped to make this North Carolina treasure one of the finest in the

country. All of these together mean that all North Carolinians are indebted to this outstanding man and his wife who joined him in building our State to be the finest and greatest in the nation. I ask for your support for the resolution."

Senator Basnight:

"Thank you Madame President, Members of the Senate, Preyer family and friends. It would be easy for me to say, 'Yes, he's a friend of mine, yes, she's a friend of mine.' What a beautiful couple. But it's easy for me to say that, very simply so, because their friends were my friends. Their friends of tomorrow will be the friends of mine as well as yours that grow and follow this beautiful couple. I remember the last time I saw Rich Preyer. He was in my restaurant and some of his family was with him, and to describe him that evening, I believe it was in the fall of last year, is pretty simple -- a beautiful, magnificent, handsome man carrying himself with such ease and grace. You knew that you were welcome if you'd never seen him before. It was there speaking to you. He's a person who gave ever so much to all of us, not just in the preservation of this world, but when you make the contributions in your own community or in your own State you certainly affect another state, another country if it has something to do with our environment. As a person who loved all of God's children regardless of the race, regardless of where we came from or how we got to where we have come to, he was a person that everyone who lived in this State could easily say and with great high regard for his comments and knowing that he came from where we came from -- the Old North State. He traveled extensively as did his wife and he was known by many generations of people because he welcomed you regardless of your age. We are very fortunate to have had his life with us and I know as he looks down on us today he can say, 'Well done, Senate family.' Thank you."

The Committee Substitute bill passes its second reading (44-0) and third reading with members standing, and is ordered sent to the House of Representatives by special message.

The President extends the courtesies of the gallery to the Preyer family: Mary Norris Preyer Oglesby, daughter, her husband, Pat Oglesby, and their daughter Emily Oglesby; Emily Preyer Fountain, daughter, her husband, Richard Fountain, and their children, Mary Norris Fountain, Richard Fountain, IV, Janie Fountain, Preyer Fountain and Peter Fountain; and Jane Preyer, daughter.

H.B. 685 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANSON, MONTGOMERY, AND STANLY COUNTIES TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE BEECH MOUNTAIN TO INCREASE ITS OCCUPANCY TAX, TO MAKE ADMINISTRATIVE CHANGES TO BEECH MOUNTAIN'S OCCUPANCY TAX, TO REPEAL THE AVERY COUNTY OCCUPANCY TAX, AND TO AUTHORIZE A TAXING DISTRICT IN AVERY COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading, as amended on second reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Bingham, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—42.

Voting in the negative: Senators Ballance and Carpenter—2.

The Senate Committee Substitute bill is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—43.

Voting in the negative: Senator Ballance—1.

The Senate Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, August 14, upon third reading.

S.B. 255 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2, upon third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Weinstein and Wellons—43.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled.

H.B. 844 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT ELEVEN.

The Senate Committee Substitute passes its third reading (44-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented to the Senate, read the first time, and disposed of, as follows:

S.B. 729 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE

LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for tomorrow, Tuesday, August 14.

S.B. 842 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, August 14.

S.B. 206 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, for concurrence in House Committee Substitute bill No. 2.

The House Committee Substitute No. 2 bill is placed on the Calendar for tomorrow, Tuesday, August 14.

S.B. 723 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, August 14.

S.B. 951 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Tuesday, August 14.

H.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF BELVILLE.

Referred to **Finance Committee**.

H.B. 359 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE NORTH CAROLINA'S LAW REGULATING VIATICAL SETTLEMENTS IN ACCORDANCE WITH A MODEL ACT OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

Referred to **Insurance and Consumer Protection Committee**, and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 1284 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CREATE A PROCEDURE FOR INTERVENTION FOR THE LIMITED PURPOSE OF ASSERTING A RIGHT OF ACCESS TO A JUDICIAL PROCEEDING OR TO A JUDICIAL RECORD AND TO CREATE A NEW FEE FOR FILING A MOTION TO INTERVENE UNDER G.S. 1-72.1.

Referred to **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 8:08 P.M. to meet tomorrow, Tuesday, August 14, at 3:00 P.M.

ONE HUNDRED SIXTEENTH DAY

Senate Chamber
Tuesday, August 14, 2001

The Senate meets pursuant to adjournment and is called to order by The Honorable Beverly E. Perdue, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, the Senators seem to have a couple of mountains yet to climb this session. The prophet Isaiah spoke to that scenario when he said, 'How beautiful upon the mountain are the feet of him who brings good tidings.' Nothing is said about the herald's mouth which proclaims the good news, the eyes as he proclaims it or even the good tidings themselves, but how beautiful are the feet without which he could never have made it up the mountain to proclaim anything at all!

"We don't know in what inspired way the heart, mind, and soul of the herald received the good tidings, but when it was time to actually do something about them, his shoe leather was where his inspiration was. His feet were the ones that finally had to decide. Maybe it is always so.

"If we want to know who we really are as distinct from who we think we are, help us keep an eye on where our feet are taking us! Amen."

*Frederich Buechner, Whistling in the Dark

The Chair grants leaves of absence for today to Senator Horton and Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of yesterday, Monday, August 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate extends courtesies of the floor to Dr. Martha Jane Salyers from Asheville, North Carolina, who is serving the Senate as Doctor of the Day.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read the first time, and disposed of, as follows:

S.B. 1002 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CAMPAIGN ENFORCEMENT AND DISCLOSURE LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for tomorrow, Wednesday, August 15.

ENROLLED BILLS

The Enrolling Clerk reports the following bill and resolution duly ratified, properly enrolled and presented to the Office of the Secretary of State:

S.B. 255, AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF MIDLAND.

S.J.R. 475, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LUNSFORD RICHARDSON PREYER AND EMILY HARRIS PREYER, TWO OF THE STATE'S MOST DISTINGUISHED CITIZENS. (Res. 28)

REPORTS OF COMMITTEES

A bill is reported from a standing committee, read by its title, together with the report accompanying it, and takes its place on the Calendar, as follows:

By Senator Hoyle for the **Finance Committee**:

S.B. 861 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS SOME OF NORTH CAROLINA'S PUBLIC HEALTH PROBLEMS IN SHORTAGES OF LICENSED DENTAL PERSONNEL IN RURAL AND LOW-INCOME AREAS BY DEVELOPING PATHWAYS FOR NORTH CAROLINA STATE LICENSING OF DENTISTS AND DENTAL HYGIENISTS WHO ARE ALREADY LICENSED IN OTHER STATES OR JURISDICTIONS THROUGH PROVIDING FOR REVIEW OF THE PROFESSIONAL CREDENTIALS AND OTHER RECORDS OF ACTIVITIES BY APPLICANTS AS AN ALTERNATIVE TO REQUIRING APPLICANTS TO SATISFACTORILY COMPLETE A LICENSING BOARD CLINICAL EXAMINATION; BY ESTABLISHING A LIMITED VOLUNTEER DENTAL LICENSE; BY IMPROVING REGULATORY PROVISIONS FOR DENTAL FACULTY AND STUDENTS; BY ENACTING OTHER LICENSING CHANGE BY DIRECTING THE UNIVERSITY OF NORTH CAROLINA, IN COLLABORATION WITH THE STATE BOARD OF DENTAL EXAMINERS, TO STUDY AND DEVELOP PROCEDURES FOR INCREASING THE NUMBER OF DENTAL STUDENTS IN THE ENROLLING CLASS OF THE STATE SCHOOL OF DENTISTRY; AND BY DIRECTING THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY AND DEVELOP PROCEDURES FOR CREATING AN ADDITIONAL STATE DENTAL SCHOOL, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 6758, which changes the title to read **S.B. 861** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF DENTAL EXAMINERS TO LICENSE BY CREDENTIALS PERSONS WHO ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE IN OTHER STATES AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSE BY

CREDENTIALS, TO LICENSE BY EXAMINATION PERSONS WHO HAVE PRACTICED AS DENTAL HYGIENISTS IN THE UNITED STATES MILITARY AND WHO OTHERWISE MEET STATE REQUIREMENTS FOR LICENSURE BY EXAMINATION, TO ISSUE A LIMITED VOLUNTEER DENTAL LICENSE, TO ISSUE AN INSTRUCTOR'S LICENSE, AND TO IMPOSE APPLICATION AND RENEWAL FEES FOR LICENSURE AUTHORIZED UNDER THIS ACT, AND BY AUTHORIZING STUDIES PERTAINING TO CLASS ENROLLMENT AT THE UNC SCHOOL OF DENTISTRY AND TO THE FEASIBILITY OF ESTABLISHING AN ADDITIONAL DENTAL SCHOOL, is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF WELDON TO ENTER INTO AN ANNEXATION AGREEMENT AND DEFERRING AN ANNEXATION.

With unanimous consent, upon motion of Senator Ballance, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, August 21, upon third reading.

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The President orders the Senate Committee Substitute bill temporarily displaced.

H.B. 115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING BUSINESS TRANSACTIONS INVOLVING PUBLIC FUNDS AND CONFLICTS OF INTEREST.

Senator Hartsell offers Amendment No. 2 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (47-1) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 1188 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROTECTION OF VOTER RECORDS IN CASE OF DOMESTIC ABUSE PROTECTIVE ORDERS.

The Senate Committee Substitute passes its second (48-0) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CARTERET COUNTY OCCUPANCY TAX LAW AND TO AUTHORIZE CARTERET COUNTY TO LEVY A NEW OCCUPANCY AND TOURISM DEVELOPMENT TAX, temporarily displaced earlier, upon third reading,.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom,

Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein and Wellons—47.

Voting in the negative: Senator Webster—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 206 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TOURIST-ORIENTED DIRECTIONAL SIGN (TODS) PROGRAM, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for tomorrow, Wednesday, August 15, for concurrence, upon third reading.

S.B. 842 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, THE NORTH CAROLINA NONPROFIT CORPORATION ACT, THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT, AND THE LAWS GOVERNING PARTNERSHIPS, for concurrence in the House Committee Substitute bill, upon second reading.

The Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Cunningham, Dalton, Dannelly, Forrester, Foxx, Garrou, Garwood, Gulley, Hagan, Harris, Hartsell, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Metcalf, Miller, Moore, Odom, Plyler, Purcell, Rand, Reeves, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Webster, Weinstein and Wellons—48.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, August 15, for concurrence, upon third reading.

S.B. 723 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURE AND WARNING STATEMENTS ON UNSOLICITED CHECKS THAT, WHEN CASHED BY THE RECIPIENTS, OBLIGATE THE RECIPIENTS TO REPAY THE AMOUNT OF THE CHECKS PLUS INTEREST AND FEES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 729 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RATES AND CLASSIFICATIONS FOR MOTORCYCLE THEFT AND PHYSICAL DAMAGE INSURANCE ARE TO BE ESTABLISHED BY THE CARRIERS THAT WRITE THOSE COVERAGES AND NOT BY THE NORTH CAROLINA RATE BUREAU; TO PROVIDE THAT THE RATE BUREAU RETAINS

JURISDICTION OVER RATES AND CLASSIFICATIONS FOR MOTORCYCLE LIABILITY INSURANCE; AND TO PROVIDE THAT MOTORCYCLE LIABILITY INSURANCE IS STILL CEDABLE TO THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (4-44).

Having voted with the majority, Senator Basnight offers a motion that the vote by which the Senate fails to concur in the House Committee Substitute bill No. 2 be reconsidered, which motion prevails (45-3).

The question before the Body becomes concurrence in the House Committee Substitute bill No. 2.

The Senate concurs in the House Committee Substitute bill No. 2 (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 951 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 5 OF THE RULES OF CIVIL PROCEDURE TO ELIMINATE THE REQUIREMENT OF FILING OF BRIEFS OR MEMORANDA REGARDING DISPOSITIVE MOTIONS WITHIN FIVE DAYS OF SERVICE, AS RECOMMENDED BY THE NORTH CAROLINA COURTS COMMISSION, AND TO ELIMINATE THE UNNECESSARY FILING OF COVER SHEETS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 1019 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEPTAGE MANAGEMENT PROGRAM AND TO INCREASE CERTAIN PERMIT FEES UNDER THAT PROGRAM, referred to the **Finance Committee** on July 10.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the Senate Committee Substitute be withdrawn from the **Finance Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jennifer Burrus, Hatteras; Tyron Wallace Eason II, Wilmington; Anna Grey Faircloth, Raleigh; Emily Fisher, Raleigh; Heather Leigh Gray, Buxton; Valerie Harris, Millers Creek; Matthew Brantley Johnson, Angier; Katherine Jones, Laurinburg; Brittany S. Kielhurn, Morrisville; John Warden McInvaille, Fayetteville; Stephanie Porowski, Raleigh; and Michael David Yuzakewich, Jr., Fayetteville.

Upon motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 3:43 P.M. to meet tomorrow, Wednesday, August 15, at 3:00 P.M.